

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42455 of 2025

Arising Out of PS. Case No.-16 Year-2025 Thana- CHHATAPUR District- Supaul

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1. Md Farook Son of Late Nurul R/o Vill -Jhakhagarh, Ward no -3, P.S- Chhatarpur , Distt.- Supaul
 2. Rasida Khatoon @ Rasida Khuun, Wife of Md. Farook, R/o Vill -Jhakhagarh, Ward no -3, P.S- Chhatarpur , Distt.- Supaul
 3. Dauda Khatoon Wife of Md. Ziyaul, R/o Vill -Jhakhagarh, Ward no -3, P.S- Chhatarpur , Distt.- Supaul
 4. Sanjina Khatoon D/o Md. Seraj, R/o Vill -Jhakhagarh, Ward no -3, P.S- Chhatarpur , Distt.- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Nuresha Khatoon @ Nuraisa Khutun, Wife of Md. Hasamuddin R/o Vill -Laljanj, Ward no -15, P.S- Chhatarpur, Distt.- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gopal Kumar Jha, Adv.
For the State	:	Mr. Upendra Kumar, APP
For O.P. No.2	:	Mr. Naresh Kumar Mehta, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 15-10-2025 Heard learned Advocate for the petitioners and

learned Advocate for the State as well as learned Advocate for

O.P. No.2.

2. At the outset, learned Advocate for the petitioners

submitted that so far petitioner no.1, Md. Farook, is concerned,

his case has already been withdrawn in pursuant to the order

dated 09.07.2025.



3. The petitioners apprehend their arrest in connection with Chhatapur P.S. Case No.16 of 2025 corresponding to POCSO Case No.53 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 69, 352, 351(2) and 3(5) of the BNS, 2023.

4. Based upon the written report, it is alleged that the minor daughter of the informant was subjected to sexual exploitation at the hands of co-accused Md. Hasib and when the informant came to know, she went to his house and asked as to why Md. Hasib is doing such wrongful activity with his daughter, thereupon the petitioners along with co-accused Md. Farook abused and assaulted the informant.

5. Learned Advocate for the petitioners contended that though the incident took place on 19.12.2024, but the FIR came to be instituted on 09.01.2025 after a delay of twenty one days. All the more, even as per the narratives made in the FIR, it is evident that the entire allegation is revolving around Md. Hasib, who is not before this Court. The petitioners are none else but the female family members of co-accused Md. Hasib and only in order to put pressure, their names have been implicated in this case. There is no allegation of any overt act against the petitioners and the statement of the victim was also recorded under Section



183 of BNSS, wherein she has made specific allegation against co-accused Md. Hasib. The age of the victim has been accessed between 16 to 18 years.

6. On the other hand, learned Advocate for the State and learned Advocate for O.P. No.2 vehemently opposed the bail application and submitted that co-accused Md. Hasib has been given shelter by the petitioners and, as such, they have also participated in the crime; hence, they do not deserve the anticipatory bail.

7. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of accusation against the petitioners, coupled with the fact of delay in lodging of the FIR and the petitioners are women having fair antecedent, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VI-cum-Special Judge, POCSO Act, Supaul in connection with Chhatapur P.S. Case No.16 of 2025 corresponding to POCSO Case No.53 of 2025, subject to the condition as laid down under



Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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