

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44830 of 2025**

Arising Out of PS. Case No.-115 Year-2025 Thana- AAJAM NAGAR District- Katihar

Kaisher Alam @ Md. Kaisher Alam @ Md. Kaushar S/o Md. Jahid R/o vill -
Datha @ Tatha, P.s.- Barsoi, Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajnish Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Bishweshwar Ram, Adv.
For the Informant	:	Mr. Md. Musowir, Adv.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

6 25-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with Azamnagar P.S. Case No. 115 of 2025 registered for the offence under Sections 126(2), 115(2), 61(2), 64, 351(2), 3(5) of BNS Act and Section 4 and 6 of POCSO Act.

3. The petitioner is named in the F.I.R. and is in custody since 11.04.2025.

4. As per FIR, allegation against the petitioner is to establish physical relation on several occasion with informant since last 3 years before lodging of this FIR.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner was in love with informant



for long 3 years. It is submitted that as relationship of victim could not approved with petitioner her marriage was solemnized with one another person but as victim was not happy with said marriage, she obtained divorce and thereafter pressurized this petitioner again to solemnize marriage with her which upon denial of this petitioner, the present false case was lodged.

6. Arguing further, it is submitted that despite of custody of more than 4 months not even victim could examined by learned trial court suggesting that progress of trial is not satisfactory and is delayed. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Learned counsel for the informant while opposing the prayer of bail submitted that this petitioner was instrumental to obtain divorce of victim from her husband under the promise that he would marry her.



9. In view of aforesaid factual submissions and by taking note of fact as victim was already married with someone else where the allegation of establishing physical relationship appears on false pretext of marriage after obtaining the divorce, coupled with fact that petitioner remains in custody since 11.04.2025 with slow progress of trial as even victim could not examined till now, accordingly petitioner above named, is directed to be released on bail in connection with Azamnagar P.S. Case No. 115 of 2025 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Session Judge VII cum Spl. Judge, POCSO, Katihar /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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