

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46381 of 2025

Arising Out of PS. Case No.-110 Year-2024 Thana- MAHNAR District- Vaishali

Md Irfan S/o Ful Mohammad R/o Village- Kharjamma, Ward No. 1, P.S.- Mahnar, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar

2. Ward No. 1,
PIN- 844506, P.S.- Mahnar, Distt- Vaishali

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Satya Prakash Sinha, Advocate
For the Informant : Mr. Arun Kumar Mandal, Advocate
For the State : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

415-10-2025

Heard Mr. Satya Prakash Sinha, learned counsel for the petitioner, Mr. Arun Kumar Mandal, learned counsel for the informant and Mr. Sunil Kumar Pandey, learned APP for the State.

2. Petitioner seeks regular bail in connection with Mahnar P.S. Case No. 110 of 2024 dated 20.04.2024 registered for the offences punishable under Sections 341, 323, 448, 504, 506, 354 and 34 of the Indian Penal Code and Section 12 of the POCSO Act.

3. The main submissions advanced by the petitioner’s counsel are that the petitioner bears no criminal antecedent and has been languishing in jail since 07.02.2025 in the present



matter, he is a young person. It is further submitted that the alleged occurrence is said to have taken place with the victim in the presence of the informant on 11.04.2024 but the FIR was registered on 20.04.2024, nine days after the commission of the occurrence, without any explanation for the delay of those nine days, in fact, admittedly, there is no good relations between the petitioner's family and the victim's family on account of a previous occurrence relating to Mahnar P.S. Case No. 14/24 which was lodged against the petitioner's brother and others. It is lastly submitted that the petitioner was not an accused in Mahnar P.S. Case No. 14/24 and the main allegation is against the co-accused Md. Tauheed Alam.

4. On the other hand, learned counsel appearing for the informant has vehemently opposed the bail prayer of the petitioner and submits that not only this petitioner, but also his brother was involved in teasing the female members of the informant's family. In the past, the victim's sister was kidnapped by the petitioner's brother, for which Mahnar P.S. Case No. 14/24 was lodged. Though the petitioner was not an accused in that case but he remained involved in the commission of the present occurrence. Although there was some delay on the part of the informant in lodging the FIR but the same occurred due to



a *panchayat* meeting held between both parties. Furthermore, the informant belongs to a rural area, where such delays commonly occur in the normal course in order to protect the prestige of the family.

5. Learned APP for the State has also opposed the prayer for bail of the petitioner.

6. In the facts and circumstances of this case and mainly considering the petitioner's custody period and the delay of nine days on the part of the informant in lodging the FIR, coupled with the petitioner's young age, this Court is inclined to release him on bail. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Mahnar P.S. Case No. 110 of 2024 on the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as and when directed by the trial Court and failing which, in case of his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(ii) If the petitioner tampers with the evidence or



influences the witnesses, in that case, the prosecution will be at liberty to move for cancellation of his bail.

(iii) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(iv) The trial court will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the trial court shall take strict action against him by cancelling his bail bond.

(Shailendra Singh, J)

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