

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52369 of 2025

Arising Out of PS. Case No.-502 Year-2024 Thana- SUPAUL District- Supaul

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1. Md. Kasim son of Late Md. Abdul Azij Resident of Village- Chainsinghpatti ward no 5, PS -Supaul, Dist- Supaul
 2. Md. Rustam @ Md. Abdul Son of Md. Kasim Resident of Village- Chainsinghpatti ward no 5, PS -Supaul, Dist- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arvind Sah son of Hajari Sah Resident of Village- Chainsinghpatti ward no 5, PS -Supaul, Dist- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Harun Quareshi, Adv
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 26-09-2025 Heard learned counsel appearing on behalf of the

petitioners and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioners are named in the F.I.R.

and apprehended their arrest in connection with POCSO Case No.

115 of 2024 arising out of Supaul P.S. Case No. 502 of 2024

registered for the offences punishable under Sections 137(2), 87,

96, 61 and 3(5) of the BNS and Section 8 of the POCSO Act.

3. As per FIR, the minor daughter of informant aged

about 15 years was kidnapped by son of petitioner no. 1 for the

purpose of illicit intercourse/marriage.



4. Learned counsel appearing on behalf of the petitioners submitted that daughter of informant was in love with the son of petitioner no. 1 namely Md. Aslam and as their love affair was not approved by the family of victim she left her house out of own sweet will for the son of petitioner no. 1. It is submitted that this fact was stated by victim herself while recording her statement under Section 183 of the BNSS. It is submitted that petitioner no. 1 is father and petitioner no. 2 is brother of main co-accused. It is submitted that both petitioners are men of clean antecedent and they were implicated merely out of their relation with main co-accused. While concluding the argument it is submitted that present implication was raised out of certain confusion realizing which petition was filed before Special Court, POCSO at Supaul by informant retracting from his earlier version.

5. Learned APP appearing on behalf of the State, while opposing the prayer for anticipatory bail submitted that both petitioners are relative of main co-accused.

6. In view of aforesaid facts and circumstances and by taking note of the fact as both petitioners implicated with present case being relative of main co-accused i.e., father and brother where victim while recording her statement under Section 183 of the BNSS negated allegation of kidnapping and sexual assault,



accordingly the both above named petitioners, in the event of their arrest or surrender before the learned Trial Court within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-VI, Supaul/concerned Trial Court where the case is pending in connection with Supaul P.S. Case No. 502 of 2024 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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