

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53737 of 2025

Arising Out of PS. Case No.-203 Year-2025 Thana- RAXAUL District- East Champaran

Imroz Alam @ Md. Emroj Alam S/O Zakir Miyan @ Md. Zakir Hussain @
Mohammad Jakir R/O Village- Bada Pareuwa, P.S- Raxaul, Distt.- East
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nursawa Khatoon W/O Wakil R/O Village- Bara Preuwa, P.S- Raxaul,
Distt.- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No. III, Advocate
For the Opposite Party/s : Ms. Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-08-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 70(1),
115(2) and 351(2) of the BNS as well as Sections 7 and 8 of the
POCSO Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and the informant alleges
that on 05.05.2025 at about 11:00 a.m. petitioner and Rehan
Alam forcefully made her minor daughter aged about 16 years
sit on their motorcycle while she was on her way to her school
and took her to Shyam Hotel where some intoxicating substance
was administered and then they established physical relation



with her. It is further alleged that one of the villagers saw the accused persons kidnapping the victim and he, accordingly, informed the informant, thereafter the informant along with other persons reach the hotel and apprehended both the accused with victim and brought them to the village. However, the accused persons came and freed both the accused who were apprehended by the informant and her family members.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that the date of occurrence is 05.05.2025 and the FIR came to be instituted on 09.05.2025. It is next submitted that had the occurrence as alleged taken place in that event the informant would have immediately informed the police. It is also submitted that the statement of the victim has been recorded under Section 183 of the BNSS wherein she has not stated anything against the petitioner.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that petitioner has antecedent of one case and the date of birth of the victim as per admit card is 01.01.2009, as such, was a minor on the date of occurrence as her age was 16 years. It is further submitted that the informant is mother of the victim and she has alleged that



the victim was taken by the petitioner along with Rehan Alam to a hotel where they sexually exploited her. It is also submitted that it appears that the FIR was delayed for the reason that the family must be thinking whether to institute or not to institute an FIR as the same would bring disrepute for the family. It is submitted that investigation of the case is in its nascent stages.

6. Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Raxaul P.S. Case No. 203 of 2025 pending in the Court of learned 7th District and Additional Sessions Judge-cum-Special Judge POCSO Act, East Champaran at Motihari/Successor Court.

7. Hence, the prayer for anticipatory bail is rejected.

(Satyavrat Verma, J)

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