

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48857 of 2025

Arising Out of PS. Case No.-1558 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

Md. Khushnoor @ Khushnoor @ Md. Khurnoor S/o Md. Muturja R/o
Village- Maidapur, P.S.- Bochahan, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 08-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Ahiyapur P.S. Case No. 1558 of 2023 for the offences
punishable under Sections 363, 366(A)/34 of the Indian Penal
Code.

3. As per the prosecution case, Jaimala Devi, wife of
Raj Kumar Sah, resident of village Maidapur, Ward No.10, P.S.
Bochahan, Muzaffarpur, gave a *fardbeyan* before the S.H.O,
SKMCH, Muzaffarpur, alleging therein that her third daughter,
namely, Mahima Kumari, was suffering from ailment and she
was admitted to SKMCH, Muzaffarpur. It has further been
alleged in the *fardbeyan* that her fourth daughter, namely, Kavita
Kumari, came to the hospital to look after her elder sister on



16.11.2023. The informant came back to her home and Kavita Kumari remained in the hospital for providing service to her daughter. It has further been alleged that in the night on 16.11.2023 at around 1:00 a.m., her daughter Mahima Kumari, phoned her that her daughter Kavita Kumari was not traced/present in the hospital and in the *fardbeyan* further been alleged that Md. Khushnoor (petitioner) her co-villager used to talk to her on phone regularly and the family members of the petitioner were seen within the campus of the hospital.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case on the basis of dirty village politics. He further submits that the victim came back home on 22.11.2023 and on the same day, she got her statement recorded under Section 161 and 164 Cr.P.C. / Section 180 and 183 of the B.N.S.S., wherein she did not allege anything against the accused persons, including this petitioner being involved in the said incident in any manner and, as such, the voluntary statement of the victim suggests that the petitioner was not involved in any manner either for the offences so alleged or even no accusation with respect to any torture, abuse or assault has also been made and these statement finds mention in paragraph 7 and 8 of the bail



petition. It has next been submitted that due to inimical terms, the entire family members have been implicated in the present case for ulterior reasons.

5. Learned counsel for the petitioner next submits that similarly situated co-accused persons, namely, Shahjadi Khatoon has been granted anticipatory bail by a Co-ordinate Bench of this Court *vide* order dated 16.04.2024 passed in Cr. Misc. No.19753 of 2024, whereas, the regular bail application filed by the petitioner before the learned Session Judge, Muzaffarpur, *vide* B.P. No.482 of 2025 has been rejected *vide* order dated 01.05.2025 by learned 2nd Additional Sessions Judge, Muzaffarpur. He further submits that prior to lodging of the instant case, one more case was lodged against this petitioner in which the petitioner has been made accused, which would be apparent from the F.I.R. registered as Bochahan P.S. Case No.523 of 2023 registered for the offences under Section 341, 323, 342, 447, 504, 506 and 509 of the I.P.C and Section 8 of the POCSO Act. The petitioner is in custody since 07.08.2024.

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

7. Considering the statement made by the victim on



her return to home on 22.11.2023 and having not said anything incriminating against the accused persons, including this petitioner and further the petitioner having remained in custody since 07.08.2024 for about one year and the anticipatory bail having been granted to similarly situated co-accused by a Co-ordinate Bench of this Court *vide* order dated 16.04.2024 passed in Cr. Misc. No.19753 of 2024, the petitioner above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned J.M. 1st Class (East) Muzaffarpur, in connection with Ahiyapur P.S Case No.1558 of 2023.

(Ajit Kumar, J)

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