

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48773 of 2025

Arising Out of PS. Case No.-19 Year-2024 Thana- PURNIA COMPLAINT CASE District-
Purnia

Md. Rahmat Alam @ Md. Rahmat S/o Md. Fayak Alam Resident of village -
Khapra, Dakshin Tola, P.S. - Rauta, District - Purnea

... .. Petitioner

Versus

1. The State of Bihar
2. Noorjahan W/o Md. Akbar Alam R/o Vill- Simalbari, P.S.- Amaur, Distt- Purnea

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Raj Kumar, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP
For the O.P. No.2	:	Mr. Bidhu Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-07-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with C.A. (POCSO) Case No.19 of 2024, registered for the offences punishable under Sections 376, 323, 341, 504, 506 of the Indian Penal Code & Section 4 & 8 of the POCSO Act.

3. As per allegation, the minor daughter of the Complainant was subjected to rape by the accused-Petitioner and even the alleged occurrence was videographed by the Petitioner and this video was being misused by him to blackmail her for repeating the offence of rape. Ultimately, the daughter of the Complainant disclosed the occurrence to the



Complainant/Mother and this Complaint was lodged before the Judicial Magistrate. Moreover, when the complainant complained to the family members of the main accused, she was misbehaved by them. Moreover, the accused persons did not listen to local *panchayat* organized in this connection.

4. Heard learned counsel for the Petitioner, learned APP for the State and learned counsel for the Informant.

5. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the complaint has been lodged after five months of the occurrence. The Complainant is not the victim but she is the mother of the victim. He also submits that the complaint is not accompanied by the affidavit of the Complainant. He further submits that this false case has been filed to put pressure on the Petitioner to marry the alleged victim. He also submits that as per the provisions of the POCSO Act, the trial must be concluded within one year and the statement of the victim should be recorded within one month. However, after taking cognizance in this case in the year 2024, even charge has not been framed as yet.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier



either for anticipatory bail or regular one in the instant case.

7. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

8. However, learned APP for the State as well as learned counsel for the Informant vehemently oppose the prayer of the Petitioner for bail submitting that the Complainant is a widow and poor lady and her minor daughter has been subjected to sexual assault and after the first occurrence, she has been subjected to frequent sexual assault by blackmailing her to make the video viral on internet. The delay in filing of complaint was due to the fact that due to fear the victim could not disclose the occurrence to her mother/Complainant initially and when it became unbearable for her to tolerate the sexual assault, she ultimately disclosed the occurrence and this Complaint was filed.

9. Considering the aforesaid facts and circumstances, I am not persuaded to enlarge the Petitioner on bail.

10. Accordingly, the petition stands rejected.

(Jitendra Kumar, J.)

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