

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54703 of 2025

Arising Out of PS. Case No.-72 Year-2025 Thana- MAHISHI District- Saharsa

Md. Mister S/o Md. Adalat @ Sekh Adalat R/o Village- Samani Ward No. 4,
P.S.- Mahishi (Jalay), District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ajam Ali S/o Late Sheikh Dukha Resident of Ward No. 4, Samani, P.S.-
Mahishi (Jalay), District- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Diwakar Prasad Singh
For the Opposite Party/s :	Mr.Rajesh Kumar

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 16-10-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in a case registered for
the offences punishable under Sections 137(2), 96, 3(5) of the
Indian Penal Code.

3. As per allegation in the FIR, it is alleged that
petitioner has kidnapped the daughter of the informant and has
committed rape upon her.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. He further
submits that there is no specific allegation of kidnapping against
the petitioner. He next submits that the petitioner and alleged



victim are own cousin and in her statement recorded under Section 183 of the BNSS she herself has stated that the petitioner is her own cousin and she was in love affair with the petitioner and on 07.03.2025 at about 11:00 am she along with the petitioner has gone Kolkata where they contracted Nikah according to Muslim rituals and made sexual relation. He next submits that the victim and the petitioner used to made convesation on phone since last two years. He next submits that two photographs of marriage was produced by the *Choukidar* showing the petitioner putting vermilion in head of the victim with text quoted favoring matrimonial marriage which has been annexed as Annexure-P/2. He further submits that petitioner is in custody since 23.05.2025 and has got clean antecedent as stated in para-3 of the bail petition.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the First Information Report, case diary along with the Statement of the victim recorded under Section 183 of the BNSS, it appears that the informant daughter was in love affair with the petitioner and she with her own sweet will gone with the petitioner to Kolkata and performed Nikaah. So, considering the above facts and circumstances of the case,



submission of learned counsel for the petitioner, let the above named petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, POCSO Act, Saharsa in connection with Special (Pocso) Case No.63 of 2025 corresponding to Mahishi P.S. Case No. 72 of 2025.

(Ramesh Chand Malviya, J)

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