

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60011 of 2025

Arising Out of PS. Case No.-221 Year-2024 Thana- BIHRA District- Saharsa

Md. Mosim, son of Md. Rafik Resident of Village - Bishanpur, Aran Ward
No. 04, P.S.- Bihra, District- Saharsa

... .. Petitioner

Versus

1. The State of Bihar
2. Premlal Yadav, S/o Late Rameshwar Prasad Yadav, R/o Village - Nandlali,
Ward No. - 1, P.S - Bihra, District - Saharsa

... .. Opposite Parties

Appearance :

For the Petitioner	:	Ms. Ruchi Mandal, Advocate
For the State	:	Mr. Pawan Kumar Chaurasia, APP
for the Informant	:	Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 20-11-2025 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State duly assisted by

learned counsel for the informant.

2. The accused/petitioner seeks bail in connection
with Bihra P.S. Case No.221 of 2024 registered for the
offences punishable under Sections 126(2), 127(2), 65(2),
65(2), 62,324(4), 324(5), 351(2), 351(3), 352, 115 of the
Bhartiya Nyaya Sanhita, 2023 (for short ‘B.N.S.’) as well as
Sections 8, 12 and 18 of the Protection of Children from
Sexual Offences Act,2012 (in short ‘POCSO Act’).

3. The accused/petitioner is named in the FIR and is



in custody since 13.11.2024.

4. Allegation against the petitioner is to kidnap and made an attempt to murder the minor daughter of informant aged about 10 years while she was returning to her home after attending village fair on 08.11.2024 at about 6.00 P.M.

5. Ms. Ruchi Mandal, learned counsel while arguing for petitioner submitted that prior to lodging this case, a criminal case was lodged by this petitioner against family members of the informant, where he was assaulted by the brothers and others of the alleged victim for the issue arising out of motorcycle accident for which Bihra P.S. Case No.220 of 2024 was lodged and as to counter the aforesaid case, the present case was subsequently lodged as Bihra P.S. Case No.221 of 2024 making minor daughter of informant instrumental, whereas no such occurrence in actual ever took place. It is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Explaining criminal antecedent of this petitioner, it is pointed out that the petitioner was involved in one more



criminal case i.e. Bihra P.S. Case No.7 of 2016, wherein the petitioner already acquitted after facing trial and as such, it can be safely said that he is a man of clean antecedent.

7. Learned APP duly assisted by Mr. Ashok Kumar, learned counsel appearing for the informant while opposing the prayer of bail submitted that the allegation of kidnapping and also to made an attempt to murder of minor daughter of informant is available against this petitioner.

8. In view of aforesaid factual submissions and by taking note of background of the occurrence, as discussed aforesaid for lodging the present criminal case against petitioner, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 13.11.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned I/c Special Judge, POCSO/concerned court, Saharsa in connection with Bihra P.S. Case No.221 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal



Procedure (for short ‘CrPC’)/under Section 480(3) of the
Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

