

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60195 of 2025

Arising Out of PS. Case No.-76 Year-2024 Thana- KHUTAUNA District- Madhubani

Hafiz Kalimullah @ Hafiz Kali Mullaha, Gender-Male, aged about 42 years,
Son of Gafur Mansuri, R/O Village- Ekhattha, P.S.- Khutauna, District-
Madhubani

... .. Petitioner

Versus

- 1. The State of Bihar
- 2. Sabana Begum, D/O- Sahmad Sah, R/O Village- Ekhattha, P.S.- Khutauna,
District- Madhubani

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Md Soban Asghar, Advocate
For the O.P. No. 2	:	Ms. Shivam Prerna, Advocate
For the State	:	Mr. Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 17-11-2025 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned A.P.P. for the
State.

2. The petitioner seeks bail in connection with
Sessions Trial Case No. 195 of 2025, arising out of G.R. No. 94
of 2024, Khutauna P.S. Case No. 76 of 2024 dated 30.05.2024
registered for the offences punishable under Sections 376, 506
read with Section 34 of the I.P.C. and Sections 4 and 6 of the
POCSO Act.

3. As per the prosecution case, the informant was
studying in ‘Madarsa Islam Ekhattah’ in her village and the



petitioner is the Director of the said 'Madarsa' and the co-accused Kari Shahanwaj told the informant to establish physical relationship on the pretext of getting good marks in the examination. On being opposed by the informant, the co-accused Kari Shahanwaj started threatening the informant to kill her and her family members and also threatened to remove her name from the said 'Madarsa'. On being pressurized by the co-accused Kari Shahanwaj, the informant developed illicit relationship with the co-accused Kari Shahanwaj, due to which, she became pregnant. The petitioner told the co-accused Kari Shahanwaj to send her to the 'Malmal Madarsa' where her health deteriorated and when her condition worsened, she was sent back to home from the said 'Malmal Madarsa'.

4. Earlier prayer for regular bail of the petitioner was rejected by a Bench of this Court in Cr. Misc. No. 61336 of 2024 vide order dated 26.10.2024, annexed as Annexure-P/1 to the present bail application.

5. This is second attempt for grant of bail on behalf of the petitioner.

6. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is the Director of the



said 'Madarsa' as he attends 'Madarsa' two days in a month and he had no knowledge about the alleged incident. There is no specific allegation against the petitioner rather the same is against the co-accused Kari Shahanwaj. There is no overt act against the petitioner. The petitioner has no concern with the alleged offence. There is no eye witness to the alleged offence. The victim has been examined by the Medical Board and the Medical Board has assessed the age of the victim as 18 years. It is further submitted that during the course of investigation, the independent witnesses in paragraph nos. 116 and 117 of the case diary have stated that the petitioner is innocent and he has not committed such type of occurrence and the parents of the victim has no complaint against the petitioner. The victim during the course of trial, in cross-examination, has specifically deposed that the petitioner is innocent and she has no any personal complaint against the petitioner and everything was stated merely on the basis of suspicion and other witnesses have also not supported the prosecution case. The alleged occurrence took place on 07.08.2023 and the F.I.R. has been lodged on 30.05.2024 and there is delay of nine months and twenty three days in lodging the F.I.R., and no explanation for such delay has been given by the prosecution. The petitioner has clean



antecedent as stated in paragraph no. 3 of the bail petition. The petitioner is in custody in this case since 28.06.2024.

7. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have vehemently opposed the bail petition of the petitioner by submitting that the victim is a minor girl. It is further submitted that as per the medical report, the victim was pregnant of thirty one weeks and three days. The statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has stated that the co-accused Kari Shahanwaj used to lock her in the room and forcefully established physical relationship with her and the petitioner used to assist the said co-accused Kari Shahanwaj by sitting outside the room knowing the entire thing which shows the active participation of the petitioner in the alleged occurrence.

8. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-VII-cum-Special Judge, (POCSO Court), Madhubani in connection with Sessions Trial Case No. 195 of 2025, arising out of G.R. No. 94 of 2024, Khutauna P.S.



Case No. 76 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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