

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58874 of 2025

Arising Out of PS. Case No.-73 Year-2025 Thana- Haraiya District- East Champaran

Saif Alam @ Shekh Saif Alam, S/o Shamshad Alam @ Shamshad, R/o
Village- Koraiya, P.S- Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arti Kumari, W/o Sheshnath Prasad, R/o Vill- Chota Tumariya Tola, Ward
No. 5, P.O.- Raxaul, P.S.- Hairaiya, Distt- East Champaran, Pin Code-
845305

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Shankar Shrivastava, Adv.
For the Opposite Party/s	:	Mr. Raj Kishor Singh, APP
For O.P. No. 2	:	Mr. Sambhav Gupta, Adv.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 10-12-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Haraiya P.S. Case No. 73 of 2025 dated 17.06.2025, registered for the offence punishable under Sections 137(2) and 96 of the Bharatiya Nyaya Sanhita, 2023 and Sections 6 and 8 of the POCSO Act.

3. The prosecution case, in short, is that the accused-petitioner was stopped near the Custom Chowk, Raxaul, during a drive against human trafficking and child labour while he along with a minor girl aged about-13 years (victim) was walking into Indian territory from Nepal. In course of questioning, victim revealed that she was a



student of class-10 and she developed friendship with the accused-petitioner through Star Maker App and after conversation for almost a year, love blossomed between them. Meanwhile, the accused-petitioner promised her that he would take her to Delhi, solemnize marriage with her and would arrange a job for her in a call centre, after which they would lead a happy life. She also revealed that the accused-petitioner had asked her to leave her house along with some money without informing her parents. She also revealed that she came into his trap and without informing her parents came to *Birgunj* by bus from Kathmandu and while the accused-petitioner and she were entering into the Indian border, they were stopped.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that the victim on her own will and desire had left her house with her consent to marry and spent conjugal life with the petitioner. It is further submitted that the petitioner has never kidnapped the victim girl, rather, she herself went with the petitioner as she was in love with the petitioner. Lastly, it has been submitted that



the petitioner is in custody since 19.06.2025, having no criminal antecedent and charge-sheet has been submitted in the case.

5. Learned A.P.P. as well as learned counsel for O.P. No. 2 has opposed the prayer for bail of the petitioner.

6. Learned counsel for O.P. No. 2 submits that the victim is a minor girl and the petitioner met with her and made physical relation with her on the false promise of marriage. The victim girl in her statement recorded under Section 183 of B.N.S.S. has supported the case of the prosecution by stating that she had met the petitioner through Star Maker App and soon just within a month of their friendship, they entered into relationship.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, I am not inclined to grant bail to the petitioner at this stage.

8. Accordingly, the prayer of the petitioner for grant of bail is **rejected**.

9. The learned Trial Court is directed to take all endeavour to conclude the trial at the earliest, preferably,



within a period of nine months from the date of receipt/production of a copy of this order without granting any necessary adjournment.

10. This application stands dismissed.

(Khatim Reza, J)

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