

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59868 of 2025

Arising Out of PS. Case No.-180 Year-2023 Thana- HATHUA District- Gopalganj

Abdul Rahman @ Ashique S/o Late Mohammad Hussaim R/o Village- Bari
Dewariya, P.S.- Hathua, Distt.- Gopalganj

... .. Petitioner

Versus

1. The State of Bihar
2. X D/o Y R/o Village- Bari Deoria, P.O.- Raipura, P.S.- Hathua, District-
Gopalganj

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Dewanand Tiwari, Advocate
For the State	:	Mr.Parmanand Prasad,APP
For the Informant	:	Mr.Y.C. Verma, Sr.Advocate
		Mr.Sanjay Kr. Choubey, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-11-2025 Heard Mr. Dewanand Tiwari, learned counsel

appearing on behalf of the petitioner, learned A.P.P. for the

State and Mr. Y.C. Verma, learned senior counsel appearing

for the informant.

2. The accused/petitioner seeks bail in connection

with Hathua P.S. Case No. 180 of 2023 registered for the

offences under Sections 323, 354(B), 379, 504/34 of the

Indian Penal Code and 66(e), 67, 67(a) of the Information

Technology Act and section 8/10 of the POCSO Act.

3. The accused/petitioner is named in the First

Information Report and is in custody since 15.05.2025.



4. Allegation against the petitioner is to force the minor daughter of the informant aged about 16 years for marriage and upon refusal uploaded her obscene photographs on social media. It is alleged that when the matter was reported to the parents of petitioner, one altercation took place where the victim including her family members were physically assaulted.

5. It is submitted by learned counsel appearing on behalf of the petitioner that admittedly allegation of sexual assault is not available against this petitioner. It is pointed out that prior to lodging this case one Hathua P.S. Case No. 213/2022 was lodged by mother of the petitioner regarding certain monetary transaction issue, where the sister of petitioner lodged a criminal complaint case against brother of the victim in the year 2023, which was registered as complaint case No. 15/2023. It is submitted that to counter all the aforesaid cases, the present false case was lodged.

6. Arguing further, it is submitted that petitioner is in custody since 15.05.2025 i.e. six months, but till date even cognizance in this matter was not taken suggesting *prima*



facie that the trial of this case is not likely to conclude in near future.

7. Explaining criminal antecedent of the petitioner, it is submitted that petitioner further involved in two more criminal cases with same informant, wherein he is on bail.

8. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

9. Mr. Y.C. Verma, learned senior counsel appearing for the informant, while opposing the prayer of bail of the petitioner, submitted that the allegation to outrage the modesty of minor daughter of the informant is specifically available against this petitioner. It is submitted by Mr. Verma that petitioner forced the minor daughter of the informant to marry with him and when the proposal of marriage was refused, because the daughter of the informant was minor, her obscene photographs with petitioner by way of editing, was uploaded to social media, which ruined the social life and prestige of minor daughter of the informant.

10. In view of aforesaid factual submission and by taking note of the fact as allegation of sexual assault *prima*



facie not available against petitioner, where the investigation of this case is already completed and also as petitioner remains in custody since 15.05.2025, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-VI-cum-Special Judge, POCSO, Gopalganj/concerned court, in connection with Hathua P.S. Case No. 180 of 2023, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”) and further condition:

(I) That petitioner shall not indulge in similar nature of case till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(II) That petitioner shall not upload any further photographs of daughter of the informant, failing which the bail bond of the petitioner would be



cancelled by the learned trial court itself after giving
an opportunity of hearing to the petitioner.

(III) That petitioner shall not tamper any
prosecution witnesses during course of trial or to
influence the victim in any manner.

(Chandra Shekhar Jha, J)

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