

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60103 of 2025**

Arising Out of PS. Case No.-11 Year-2023 Thana- SHEKHPURA COMPLAINT CASE
District- Sheikhpura

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1. Ajad Kuraishi S/O Late Jumman Kuraishi Resident of Village- Hussainabad, P.S. Ariyari, District- Sheikhpura.
 2. Jhunnu Kuraishi S/O Late Jumman Kuraishi Resident of Village- Hussainabad, P.S. Ariyari, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Md. Kamal Sah S/O Amzad Sah Marhum R/O Village- Hussainabad, P.S- Ariyari, Dist.- Shekhpura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Shanker Prasad, Advocate
For the Opposite Party/s : Mr.Shantanu Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

4 09-12-2025 Heard learned counsel appearing on behalf of the

petitioners and learned APP appearing on behalf of the State.

2. The petitioners seek bail in connection with

Sheikhpura POCSO Complaint Case No. 11 of 2023

registered for the offence under Sections 341, 323, 325,

354(B), 354, 376, 511, 379, 504/34 of the Indian Penal

Code & Section 8 of POCSO Act.

3. The accused/petitioners are named in the

complaint petition and are in custody since 22.05.2025.

4. The allegation against petitioners is to assault

daughter and son of the complainant alongwith other family



members, where alleged occurrence took place due to disputes arising out of neighbourhood disputes and differences related with cattle shed and water.

5. Learned counsel appearing on behalf of the petitioners submitted that from the perusal of complaint and also from the statement of complainant on oath (SA), it cannot be gathered that it is a case of attempt for rape or the assault as alleged was made with sexual intent as to attract the occurrence within the meaning of POCSO Act. It is submitted that out of neighbourhood dispute, complainant lodged several similar cases against petitioners and his family, making her minor daughter and son instrumental. It is pointed out that it is a case which suggest categorically that how the POCSO Act being misused by our society.

6. Arguing further, it is submitted that still this matter is pending for recording evidence before charge. Explaining the criminal antecedent, it is submitted that petitioner no. 1 found involved in nine criminal cases including present case and petitioner no. 2 found involved in three more criminal cases, where eight cases of petitioner no. 1 is with



the same informant and one was lodged by relative of the complainant, where in all cases petitioners are on bail except one.

7. Learned APP duly assisted by learned counsel Mr. Pravin Kumar Sinha appearing on behalf of the informant, while opposing the prayer of bail submitted that petitioners actively participated during the occurrence and, moreover, he could not disputed the aforesaid factual submissions as advanced by learned counsel appearing for the petitioners. It is submitted that petitioners are regularly threatening to complainant as to withdraw the present complaint petition.

8. Considering the aforesaid factual submissions and by taking note of fact as allegation of sexual assault *prima facie* not appears available against petitioners out of complaint and also SA of the complainant, coupled with the fact that petitioners remains in custody since 22.05.2025 accordingly, above named petitioners are directed to be released on bail in connection with Sheikhpura POCSO Complaint Case No. 11 of 2023, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties



of the like amount each to the satisfaction of learned District
& Sessions Judge-cum-Special Judge, (POCSO Act),
Sheikhpura/concerned Court, subject to the conditions as
mentioned under Section 437(3) of the Cr.P.C./Section
480(3) of BNSS.

(Chandra Shekhar Jha, J)

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