

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61631 of 2025

Arising Out of PS. Case No.-131 Year-2025 Thana- KASBA District- Purnia

Md. Sarfaraj, S/o Md. Salim, R/o vill - Dumari, Ward no. 13, P.S.- Kasba,
Distt.- Purnea, bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Saud Alam S/o Late Md. Kasim R/o vill - Dubaili, ward no. 15, R/o vill - Dubali, P.s.- Kasba, Distt.- Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Nurul Hoda, Adv.
For the Informant	:	Mr. Fazle Karim, Adv.
For the State	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 17-12-2025 1. Heard Mr. Md. Nurul Hoda, learned counsel for the petitioner, Mr. Fazle Karim, learned counsel for the informant and Mr. Bhanu Pratap Singh, learned APP for the State.

2. The petitioner seeks regular bail in connection with Kasba P. S. Case No. 131 of 2025, dated 13.05.2025 registered for the offences punishable under Sections 96 and 3(5) of the B.N.S. and Sections 8 of the POCSO Act.

3. The main submissions advanced by the petitioner's counsel are that the petitioner has been languishing in jail since 01.06.2025 bearing no criminal antecedent and the so-called victim recorded her statement before the Judicial



Magistrate in which she levelled no allegation and stated that she voluntarily went and nothing wrong was committed with her by the petitioner.

4. On the other hand, Mr. Fazle Karim, learned counsel for the informant submits that the trial of the petitioner is at the verge of end and all material witnesses of the prosecution have been examined and during the medical examination, the victim was found pregnant.

5. Considering the aforesaid submissions advanced by the petitioner's counsel and mainly the petitioner's custody period and the fact that all the material witnesses of the prosecution have been examined and victim's statement recorded by her before the Judicial Magistrate goes against the prosecution, in my opinion it is a fit case for bail to the petitioner at this stage. Accordingly, let the petitioner named-above be enlarged on bail in connection with Kasba P. S. Case No. 131 of 2025 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned **with the following conditions:**

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial court and shall remain physically present as directed by the trial court and on his absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Shailendra Singh, J)

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