

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63394 of 2025

Arising Out of PS. Case No.-12 Year-2025 Thana- KHAIRA District- Saran

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Pappu Miyan @ Md Pappu S/o Kalam Miyan @ Md. Kalam R/o village -
Khaira, P. S - Khaira, District - Saran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Tinku Pandit S/o Mangal Pandit R/o vill - Kharia, P.s.- Khaira, Distt.- Saran,
Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hemant Kumar

For the Opposite Party/s : Mr.Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 10-09-2025 Heard the learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Khaira P.S. Case No. 12 of 2025 for the
offences punishable under Sections 137(2), 96(3) of the Indian
Penal Code and Section 8/12 of the POCSO Act.

3. According to prosecution case, the informant, Tinku
Pandit of village Bana Khaira (Saran), reported that his 14-year-
old daughter Sapna Kumari went to the market on 17-01-2025 at
11 AM and despite extensive search, she has been missing since
then. He suspects Kalam Mian, his sons (including Pappu
Mian), Guddu Mian, Raja Mian, and Muskan Khatun—



all residents of Khaira (Saran), to be involved in her disappearance.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence and the allegations, as alleged in the F.I.R., is false and fabricated. He further submits that the informant has lodged a case after a lapse of four days, the delay of which has not been explained. It has further been submitted that the victim had got her statement recorded under Section 183 of the B.N.S.S., where the victim has alleged that petitioner had made her unconscious by giving her intoxicating substances but no allegation of sexual assault or whatsoever has been made against this petitioner. It has further been submitted that the other co-accused persons, namely, Kalam Miyan @ Md. Kalam and Others have been granted anticipatory bail by this Hon'ble Court vide order dated 23.07.2025 in Cr. Misc. No.23318 of 2025. It has further been submitted that Kalam Miyan @ Md. Kalam and another were arrested during the pendency of anticipatory bail application, they were granted regular bail vide order dated 16.07.2025 in Cr. Misc. No.42751 of 2025.

5. Learned APP for the State opposes the prayer for anticipatory bail application.



6. Considering the aforesaid facts that there is no allegation of sexual assault by this petitioner and the allegations which is said to have been levelled by the victim by recording her statement under Section 183 of the B.N.S.S., are general and omnibus in nature and other co-accused persons have also been extended the privilege of anticipatory bail, let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court of Exclusive Special Additional Session Judge (POCSO) Saran at Chapra, in connection with Khaira P.S. Case No. 12 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail



cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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