

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65398 of 2025

Arising Out of PS. Case No.-185 Year-2025 Thana- AMNAUR District- Saran

=====

Saifali @ Saif Ali Khan S/o Hasan Miya @ Md. Hasan Miya R/o Vill- Aphar,
P.S.- Amour, Distt- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Firoz R/o Sonbarsa Chitaman, P.S.- Maker, Distt- Saran

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Ms.Shweta, Advocate
For the Opposite Party/s : Mr.Bharat Lal, APP

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-09-2025 Heard Ms. Shweta,, learned counsel appearing on

behalf of the petitioner and Mr. Bharat Lal, learned APP for the

State.

2. The petitioner seeks pre-arrest bail in connection
with Amnour P.S. Case No. 185 of 2025 registered for the
offence(s) punishable under Sections
81,64(1),137(2),96,126(2),115(2) of the BNS; Section 3 /4 of
DP Act and Section 4 of POCSO Act.

3. As per the allegation made in the FIR, the
petitioner established physical relationship with the informant,
on the pretext of marriage.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent. No such incident



has taken place as alleged in the FIR, however, from the perusal of the FIR, it is evident that the informant has admitted that she was in relationship with the petitioner for past two years and she willingly established physical relationship with the petitioner. The allegation of putting the informant in brothels is ornamental. The only allegation which has been alleged is that the family members of the petitioner are not willing to keep the informant and have refused to marry between their son and the informant. Petitioner has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, it is admitted position that the petitioner and the informant were in relationship and during which they established physical relationship. I have also perused the observation made by the learned District Court in the impugned order and it appears that there is no reference regarding age of victim, who is the informant, as to whether the same has been determined by the medical board and in absence of the same, the order dated 01.08.2025 of the learned District Court is interfered with by directing the learned District Court to first



examine the age of the victim and then pass a reasoned order in accordance with law, taking into account the law laid down by the Apex Court in case of **Naim Ahmed Vs. State (NCT of Delhi)**, reported in **2023 SCC Online SC 89**.

7. Till the learned District Court passes a fresh order, no coercive steps shall be taken against the petitioner in the aforesaid case.

8. The bail application stands disposed of.

(Purnendu Singh, J)

Sanjay/-

U		T	
---	--	---	--

