

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84061 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- MAHILA P.S. District- Patna

Altamash Khan @ Mohammadulla Khan @ Altmash Khan @ Mohamdulla @
Md. Altmash Khan S/o Late Md. Jilani Khan Resident of Village - Fatehpur,
Ward No. 01, P.S. - Sonbarsa, District - Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Samsida Khatoon W/o Md. Makbool Hussain R/o vill - Bhutahi Tola -
Mahuliya, ward no. 1, P.S. - Sonbarsa, Distt.- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dinesh Jha, Advocate
For the State	:	Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 17-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Notices were earlier issued to O.P. No. 2 which was
received and O.P. No. 2 has appeared through counsel and
vakalatnama was filed on 16.01.2025.

3. However, despite repeated calls, nobody appears on
behalf of O.P. No. 2 and it has been informed by the learned
counsel for the petitioner that even on earlier occasion none had
appeared on behalf of the O.P. No. 2.

4. The petitioner seeks regular bail in connection with
Special Case No. 212 of 2024 arising out of Mahila P.S. Case
No. 79 of 2024 registered under Sections 64, 351(2) of the
B.N.S. 2023 and Sections 4 of POCSO Act, and 67 (A) of the



I.T. Act.

5. The Prosecution case in short is that the informant Samshida Khatoon has alleged that the petitioner is of village Fatehpur but he has been living with her maternal grandparent since childhood and on 02.08.2024 he had called her daughter who is aged 16 years, near Raza Bazar on the pretext of giving her marksheet and then she was forcibly taken to Pushpanjali Hotel and he made physical relation with her and had also made a video and thereafter assaulted her with belt and threatened her with dire consequences and also stated to make the video viral.

6. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and there is a delay of four days in lodging of the FIR. It has also been submitted that the petitioner and the daughter of the informant knew each other and from the perusal of the case diary, it would be evident that the two have been going along together and the petitioner, as stated by an eye-witness, was seen couple of times with the victim girl. He has further submitted that the petitioner is a young boy and he is studying in college of Darbhanga and as far as the age of the victim is concerned, the same has been informed to be between 17 to 19 years which is apparent from the radiological report which is attached with



the case diary. Lastly, it has been submitted that it was on account of refusal of marriage that the petitioner has been implicated in this false case and he is in jail since 09.09.2024.

7. The learned APP for the State has vehemently opposed the prayer for bail and has stated that the petitioner has exploited the informant's daughter and there is a specific allegation of rape not only by the informant but also in the statement of the girl which was taken under Section 183 of the BNSS wherein she has named specifically about the petitioner having committed rape upon her.

8. After hearing the respective parties and from perusal of the medical report, it is clear that the petitioner though have been stated to be 14 years of age by the informant but from the radiological report, it seems that the victim is between 17 to 19 years of age, moreover, from the perusal of the various paragraphs referred to in the case diary, it is clear that the petitioner was seen with the victim girl at the guest house and one Avinash Kumar Yadav who was staff of the said guest house gave statement before the police that he had seen the girl with the petitioner on several occasions and taking into consideration that the petitioner is in custody since 09.09.2024, let the petitioner be released on bail furnishing bail bond of Rs.



10, 000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge Vith-Cum- Special Judge POCSO, Patna in connection with Special Case No. 212 of 2024 arising out of Mahila P.S. Case No. 79 of 2024.

(Sourendra Pandey, J)

Raj Ranjan/-

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