

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83070 of 2024

Arising Out of PS. Case No.-68 Year-2024 Thana- Jagdishpur District- West Champaran

Jobair Hasan @ Jobair Hussain S/o Babu Jan Miyan @ Babujan Hassan
Village- Kathaiya Bishunpurwa Ward No. 4, P.S.- Jagdishpur, District- West
Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sabaiya Khatoon W/o Ainullah Miyan R/o Vill.- Bhanauna Tola, P.S.-
Jagdishpur, Dist.- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sarvesh Kashyap, Advocate
For the Informant	:	Mr. Sachidanand Verma, Advocate
For the State	:	Mrs. Meena Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 21-04-2025 Heard the learned counsel for the petitioner, learned
counsel for the informant, and the learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection
with Jagdishpur P.S. Case No. 68 of 2024, registered for the
offences punishable under Sections 64, 126, 127(1), 333 of the
B.N.S. and Section 8 of the POCSO Act.

3. As per the prosecution story, it is alleged in the FIR
that the petitioner who happens to be the nephew of the
informant, forcibly entered into house of the informant and
committed rape upon her daughter and when the petitioner tried



to escape, he was caught hold by the family members and rest of the co-villagers.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated by the informant and her family members because of the fact that the informant and others wanted to marry her daughter with the petitioner and when he did not agree to the same, the present case has been lodged. Learned counsel further submits that from perusal of the FIR, it is evident that the petitioner was apprehended on the night of 31.07.2024, however, the FIR was lodged on the next date i.e., on 01.08.2024 at 06:00 PM. Learned counsel for the petitioner has drawn the attention of this court to relevant paragraphs of the case diary and has referred to paragraph 17, wherein one of the witnesses have stated that there was a *panchayat* held for the marriage of the petitioner with the daughter of the informant, however, when the family members of the petitioner did not agree to the same the present case was lodged and the police was called for, who arrested the petitioner after the delay of more than 18 hours. Learned counsel for the petitioner has further drawn the attention towards the medical report which suggested that there is no sign of sexual assault found on the petitioner and also the fact that no



injury, internal or external on the private part of the body was found. Lastly it has been submitted that the petitioner carries clean antecedent and he is in custody since 02.08.2024

5. Learned counsel for the informant as well as the learned A.P.P. for the State has vehemently opposed the prayer for bail and has stated that the daughter of the victim in her statement made under Section 161 Cr.P.C. as well as 164 Cr.P.C. has supported the prosecution story and hence the petitioner should not be enlarged on bail.

6. Considering the aforesaid facts and circumstances and taking into account that from the medical report, it is not evident that the daughter of the informant was subjected to any forceful sexual activity/assault and also the fact that despite such incident occurring on the night of 31.07.2024, the same was not reported within time and it was only lodged after the delay of more than 18 hours, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, 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 court of learned Additional District Judge VIth, Bettiah, West



Champaran, in connection with Jadishhpur P.S. Case No. 68 of
2024.

(Sourendra Pandey, J)

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