

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84763 of 2024

Arising Out of PS. Case No.-231 Year-2024 Thana- DAGARUA District- Purnia

Md. Firoj, S/o- Sayad Ali, Resident of Village- Kalyani Sikudna, Police station-Kadwa, District- Katihar

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Jaihrun Nisha, W/o- Mofijuddin, Resident of Village- Indrapur W.No-9,PS-Dagarua, Dist- Purnea

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the State : Mr. Uday Chand Prasad, APP
For the Informant : Mr. Sanjeev Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 18-03-2025 Heard Mr. Ajit Kumar Singh, learned counsel for the petitioner; Mr. Uday Chand Prasad, learned APP for the State and Mr. Sanjeev Kumar Singh, learned counsel for the Informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 137, 96, 64 and 3(5) of the BNS and Section 4 of the POCSO Act.

3. The case of the prosecution is that the minor daughter of the informant had gone to ease herself but when she did not return for a considerable time she was being searched. The informant came to know that the petitioner has taken the victim to Purnea More and the victim is living with the



petitioner there in a rented room. After this, the informant and others searched and found the victim with the petitioner in a rented room. The victim disclosed that the petitioner has gagged her mouth and has committed rape with her two days.

4. Learned counsel for the petitioner has submitted that the medical was conducted and in medical the age of the victim was assessed 16-18 years. He has also submitted that it is a case of affair otherwise while she was being taken to some place, she must have raised some alarm. In the medical examination the Doctor has opined that there is no sign of sexual assault. The petitioner is having no criminal antecedent and he is in custody since 26.07.2024.

5. The application for bail is opposed by learned APP for the State. In this case during investigation, the victim has given her statement under Section 164 Cr.P.C. wherein she has stated that the petitioner along with one Usman came there and gagged her mouth, boarded her on a bike and took her to Dalkhola in a room. The room was closed from outside. She called her uncle Md. Fakeer but the call was not picked up by her uncle. It is further alleged that the petitioner threatened her of dire consequences. She has further stated that the petitioner has committed rape with her for two days.



6. Having heard learned counsel for the parties and considering the above facts and circumstances, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the court of learned Additional Sessions Judge VIIth-cum-Special Judge (POCSO), Purnea in connection with Dagarua P.S. Case No. 231 of 2024.

7. Accordingly, the present bail application stands allowed.

(Ashok Kumar Pandey, J)

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