

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87508 of 2024

Arising Out of PS. Case No.-362 Year-2024 Thana- ISLAMPUR District- Nalanda

Rehan Hussain @ Md. Arman S/o- Md. Nashim Alam @ Md. Rasim Alam
Village- Maliksarai PS-Islampur District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
 2. Dharm Singh Yadav S/o-. Village- Dharmpur Ps- Telhara Dist- Nalanda
- Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Praveen Kumar, Advocate
For the Opposite Party/s	:	Mr.Ramchandra Sahni, APP
For the O.P. No.2	:	Ms. Minu Kumari, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 17-06-2025 1. Heard learned counsel for the petitioner and learned APP for the State and learned counsel for the opposite party no.2.

2. The petitioner apprehends his arrest in connection with Islampur P.S. Case no.362 of 2024 registered under sections 137(2), 64(1) and 3(5) of the B.N.S, 2023 and Sections 4 and 6 of the POCSO Act.

3. The allegation is the F.I.R is that accused Teni Yadav had forcibly taken away the daughter of the informant on a motorcycle and the informant has raised suspicion that she has been taken away for committing her death.

4. Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. The name of the petitioner



has transpired during course of investigation in paragraph no. 90 of the case diary on the disclosure of spy. After recovery of victim girl her statement was recorded under Section 183 of the B.N.S.S and perusal of the same would go to show that the main thrust of allegation is against co-accused Teni Yadav who had forcibly taken her away with the aid of other accused persons. The victim further states that forcible physical relationship was established only by co-accused Teni Yadav. So far as this petitioner is concerned, there is no specific allegation made against him. The victim was medically examined but no evidence of rape has surfaced. The petitioner has no criminal antecedent and undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State and learned counsel for the opposite party no.2 on the ground that the petitioner was also involved in the kidnapping of the victim girl.

6. In view of the entire facts of the case and also considering the fact that the specific allegation of committing kidnapping and rape is upon accused Teni Yadv in the statement of victim girl aged about 17 years recorded under Section 183 of the B.N.S.S and not the petitioner herein, it is directed that the petitioner, above named, in the event of his arrest or surrender



before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Islampur P.S. Case no.362 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Addl. Sessions Judge-cum-Special Judge, POCSO, Nalanda at Biharsharif, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023 and subject to the further condition that he would co-operate in the investigation/trial.

(Soni Shrivastava, J)

Harsh/-

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

