

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1852 of 2026

Arising Out of PS. Case No.-244 Year-2025 Thana- BIBHUTIPUR District- Samastipur

Md. Murtuza @ Md. Murtaja @ Md. Murtuja S/o Late Md. Ismail @ Md. Ismail Resident of Village- Mohanpur (Boriya), P.S.- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bhola Das S/o Ramdev Sahni Resident of Village- Mohanpur (Boriya), P.S.- Bibhutipur, District- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-01-2026 Heard Mr. Mirityunjay Kumar, learned counsel for the petitioner and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioner seeks bail, who is in custody since 24.06.2025 in connection with Bibhutipur P.S. Case No. 244 of 2025, F.I.R. dated 17.06.2025 for the offences punishable under Sections 65(2) of the B.N.S., 2023 and u/s 4 of the POCSO Act.

3. According to prosecution case, petitioner is alleged to have induced the victim by offering the toffee and made physcial relation with her and threatened the victim.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further



submits that the date of occurrence as alleged in the F.I.R. is 15.06.2025 but the present F.I.R. was lodged on 17.06.2025 after delay of two days without giving any explanation of delay. Apart from aforesaid, the statement of victim was recorded u/s 180/183 of B.N.S.S. and both statements are contrary to each other. The petitioner is in custody since 24.06.2025.

5. Learned APP for the State, on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that there is specific and direct allegation against this petitioner that he has committed rape upon the victim and date of birth of victim is 23.10.2015 which suggest that on the date of occurrence, victim was less than ten years old.

6. Considering the aforesaid facts and circumstances of the case and also serious nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Bibhutipur P.S. Case No. 244 of 2025, pending in the court of learned Special Judge, POCSO Act or Successor Court, Samastipur.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Ranjeet/-

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