

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4041 of 2026

Arising Out of PS. Case No.-109 Year-2025 Thana- BHEJA District- Madhubani

Md. Kalam S/o- MD. Salim Resident of Village- Parwalpur, Police Station-
Bheja, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. X W/o Y R/v- Parwalpur Ps- Bheja Dist- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md Soban Asghar, Advocate
For the State	:	Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-01-2026 Heard Mr. Md Soban Asghar, learned counsel for
the petitioner and Ms. Asha Devi, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
12.08.2025, in connection with Bheja P.S. Case No. 109 of
2025, F.I.R. dated 11.08.2025 registered for the offences
punishable under Sections 64(1), 62 of the B.N.S. and Sections
8, 12 of the POCSO Act.

3. Allegation against the petitioner is that he has
tried to commit rape upon the victim aged about 12 years.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that 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.

5. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 of the Cr. P.C./183 of B.N.S., 2023 in which she has supported the case of the prosecution and apart from aforesaid the date of birth of the victim is 01.01.2013 which suggests that on the date of occurrence the victim was minor.

6. Considering the nature of nature of allegation as alleged in the F.I.R. supported by the statement of the victim recorded under Section 164 of the Cr. P.C./183 of B.N.S., 2023 , I am not inclined to enlarge the petitioner on bail in connection with Bheja P.S. Case No. 109 of 2025 pending in the Court of learned Additional Sessions Judge Seventh-cum- Special Judge, POCSO, Madhubani.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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