

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5058 of 2026

Arising Out of PS. Case No.-74 Year-2025 Thana- HIRAMMA P.S. District- Sheohar

Md. Afjal S/O Md. Jafrun R/O village - Rampur Khas, P.S - Hiramma , Dist-
Sheohar

... .. Petitioner/s

Versus

1. The State of Bihar
2. ABC Daughter of XYZ Resident of village- Rampur Khas, Ps- Hiramma,
Dist- Sheohar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Devendra Kumar, Advocate
For the State	:	Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 64, 65(1), 351(3) and 3(5) of
the B.N.S. and Sections 4 and 6 of the POCSO Act.

3. As per prosecution case, it is alleged that about 2
years ago, when mother of informant had gone out of the house
to graze goats in the field, in the meantime, at about 5-6 PM in
the evening, this petitioner, who was neighbor of the informant,
entered into her house and forcibly established physical
relations with her and threatened not to disclose the ordeal to
anyone otherwise he would kill her. Out of fear, informant did



not tell the same to anyone and taking advantage of this, the petitioner repeatedly exploited her whenever he got a change. It is further alleged that when brother of informant came to know about the incident and went to complaint about the same to the family members of this petitioner, they agreed to solemnize marriage of this petitioner with the informant, however, later on, they refused to marry her.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence. The entire prosecution case, as set out in the F.I.R., is out and out false, fabricated and concocted. As a matter of fact, from bare perusal of the F.I.R. it is apparent that both parties knew each other since long and with the passage of time, relationship developed. At the time when the relationship developed, both of them were fully aware of the consequences of such a relationship. The relationship was consensual between two consenting parties and both of them enjoyed each others company for two long years. It is further submitted that only because the relationship could not continue and marriage could not materialize, the same



does not amount to rape. Moreover, charge-sheet has already been submitted and petitioner, having clean antecedents, is in custody since 07.10.2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation, clean antecedents of the petitioner and period of custody, the prayer for grant of bail to the petitioner is allowed.

7. Accordingly, let the above named petitioner 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 learned Exclusive Special Judge, POCSO, Sheohar in connection with Hiramma P.S. Case No. 74 of 2025.

(Prabhat Kumar Singh, J)

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