

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11961 of 2026

Arising Out of PS. Case No.-331 Year-2024 Thana- POTHIIYA District- Kishanganj

Hamid Raza S/O Late Khush Mohammad Resident of village- Taiyabpur,
Chichwabadhi, P.s.- Pothiya, District- Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Imteyaz S/O Khair Mohammad @ Sunni Khuwa Resident of village-
Chechuabari Taiyabpur, P.s.- Pothiya, District- Kishanganj
3. Manzar @ Manzar Alam S/O Khair Mohammad @ Sunni Khuwa Resident
of village- Chechuabari Taiyabpur, P.s.- Pothiya, District- Kishanganj
4. Tohid S/O Khair Mohammad @ Sunni Khuwa Resident of village-
Chechuabari Taiyabpur, P.s.- Pothiya, District- Kishanganj
5. Ansarul @ Mohammad Ansarul S/O Khair Mohammad @ Sunni Khuwa
Resident of village- Chechuabari Taiyabpur, P.s.- Pothiya, District-
Kishanganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dineshwar Tiwary
For the Opposite Party/s : Mr.Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 15-07-2026 Heard the parties.

2. This application has been filed on behalf of the petitioner for cancellation of bail granted to the opposite party nos. 2 to 5 vide order dated 12.12.2025 passed by the Exclusive Special Judge, POCSO, Kishanganj in connection with Pothiya P.S. Case No. 331 of 2024 registered for the offence under Sections 137(2), 96, 351(3) of the BNS.

3. Learned counsel for the petitioner submits that from reading of the FIR and the materials available on record, the offences under the POCSO Act are also made out against the



opposite parties but the police has not added the same.

4. In view of the aforesaid submission, this application is disposed of with a direction to the Superintendent of Police, Kishanganj to examine the records of the case and if he finds that the offences are made out against the opposite parties under the provisions of POCSO Act then he will take all steps for addition of the same.

5. It is made clear that the aforesaid direction has been passed without going into the merits of the case and it does not mean that this Court has given such direction after finding the case to be registered under the POCSO Act and he will act in accordance with law.

6. It is also made clear that if POCSO Act is added in the facts of the case then the petitioner may prefer an application for cancellation of bail in the Court below and the same shall be disposed of by the concerned Court below within one month of its filing on its own merits.

7. With the aforesaid direction, this application stands disposed of.

(Sandeep Kumar, J)

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