

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9887 of 2026

Arising Out of PS. Case No.-9 Year-2025 Thana- MAHILA P.S. District- Muzaffarpur

Shabaz @ Sabaj S/O Nashim Kureshi R/O Mohalla- Mehendi Hasan Chowk
Near Islamia Arabi College, P.O- M.I.T, P.S- Brahampura, Dist- Muzaffarpur.
... .. Petitioner/s

Versus

1. The State of Bihar
2. X W/O Shabaz @ Sabaj R/O Mohalla- Mehendi Hasan Chowk Near Islamia Arabi College, P.O- M.I.T, P.S- Brahampura, Dist- Muzaffarpur.
... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Hari Kishore Thakur, Adv.
For the Opposite Party/s :	Mr. Narendra Kumar Singh, APP
	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 17-04-2026 Heard Mr. Hari Kishore Thakur, learned Counsel for the petitioner and Mr. Narendra Kumar Singh, learned APP for the State besides Mr. Jitendra Kumar Singh.

2. The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 09 of 2025 for the offence registered under sections 376 of the IPC, 4/6 of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act.

3. As per the prosecution story, victim girl was medically examined in a Health Centre at Kolkata and as she was minor and pregnant, zero FIR was lodged.

4. After the lodging of Zero FIR by the Bhowanipur Police Station at Kolkata on 11.02.2025, it was sent to the Muzaffarpur Mahila Police Station where the present FIR was recorded on 22.02.2025 with the Aditi Kumari, the SHO, Mahila



P.S. being the complainant.

5. Earlier, the Police Officer appeared before this Court on 23.03.2026 along with the case dairy and supervision note and while dispensing with her appearance, direction was given for the presence of the petitioner and the victim girl.

6. Today, on call, the girl is present with one year old child and her submission is that she was in relationship with the petitioner, got married, moved to Kolkata, blessed with a child and as the Aadhar Card showed her date of birth as 05.07.2008, the present case.

7. The further stand of the girl is that no complaint was made but as she delivered a child in the Hospital, the Police Officials came into picture and lodged the zero FIR which followed the present case.

8. The aforesaid facts have been recorded which takes this Court to only one conclusion that the petitioner is entitled for the relief as not only she has informed the Court that they were in relationship, the wedlock has resulted into arrival of a child.

9. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, POCSO-II,



Muzaffarpur in connection with Mahila P.S. Case No. 09 of 2025
subject to condition as laid down under Section 438(2) of the
Cr.P.C.

(i) one of the bailor should be the family
members/relatives of the petitioner, who shall provide official
document (Aadhar Card, PAN Card, Driving License, Voter ID) to
show his *bona fide*;

(ii) the petitioner shall appear on each and every date
before the Trial court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of his bail
bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty to
take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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