

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12928 of 2026

Arising Out of PS. Case No.-391 Year-2025 Thana- ARARIA District- Araria

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Saud Alam S/o Md. Mukhtar R/o Village - Sandalpur, Ward No. 11, P.S -
Araria, District - Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX W/o YYY (Abul Kalam) R/o Village - Sandalpur, Ward No. 11, P.S -
Araria, District - Araria

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md Naushaduzzoha, Adv.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 29-04-2026 Heard Mr. Md. Naushaduzzoha, learned Counsel for

the petitioner and learned APP for the State as also Ms. Sabina

Talat for the informant.

2. The petitioner apprehends his arrest in connection
with Araria P.S. Case No. 391 of 2025 for the offence registered
under sections 96, 64(1), 115(2), 352, 3(5) of the BNS and
Section 4 & 6 of POCSO Act.

3. As per the prosecution story, the informant alleged
that her minor daughter went to the Madarsa but failed to return
and allegation was against this petitioner that he took her away.
A Panchayati was also held but as the accused failed to abide by
the resolution, the FIR.



4. Earlier, this Court gave direction for providing the case diary, the criminal antecedent report as also the Statement of the victim girl which have now been placed and as per the statement made by the girl, she went on her own to her maternal grandmother's house after being scolded by the mother. The further statement is that no one abducted her.

5. Both the learned counsels for the petitioner as also the informant are also unanimous on the point that since the girl has not alleged anything, relief can be granted to the petitioner.

6. Taking into account the aforesaid facts as also that the petitioner do not have criminal antecedent and is only nineteen years of age, in that background, this Court is inclined to grant them the anticipatory bail with conditions.

7. 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 D.A.J.-VI-cum-Special Judge (POCSO), Araria in connection with Araria P.S. Case No. 391 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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