

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37678 of 2025

Arising Out of PS. Case No.-232 Year-2024 Thana- KASBA District- Purnia

Md. Sanaullah son of Md. Habibur Rahman @ Habibur Rahman @ Md. Habibur Resident of village - Kajra Betauna, Police Station - Kasba, Dist- Purnea

... .. Petitioner

Versus

1. The State of Bihar
 2. XYZ Daughter of Md. Johak village- Gearwaghat, Ps- kasba, Dist- Purnea
- Opposite Party

Appearance :

For the Petitioner/s : Mr.Thakur Brajesh Singh, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 22-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Kasba P.S. Case No. 232 of 2024 registered for the offences punishable under Sections 354B, 366A, 511 of the Indian Penal Code and Section 8 & 12 of the POCSO Act, on the basis of complaint case bearing No. 34 of 2024 dated 17.08.2024, filed before the learned Chief Judicial Magistrate, Purnea for the occurrence dated 30.06.2024.

3. The allegation against the petitioner is to sexually harass the informant/complainant while she was on way to



attend her Madarsa School on repeated occasions, consequent of which, the act of petitioner came into the knowledge of husband of the complainant and, therefore, she was divorced as per their personal law.

4. Learned counsel appearing on behalf of the petitioner submitted that victim was major at the time of occurrence as nothing appears available in support of the same. It is pointed out that there is nothing in complaint petition which may attract the offence punishable under section 8 & 12 of the POCSO Act. It is submitted that prior to this occurrence the father of petitioner lodged a complaint case against the informant and her family members and, therefore, to counter the said case, making the victim instrumental, the present false case was lodged.

5. Learned counsel for the petitioner submitted that petitioner at the time of occurrence was in Chennai and therefore, the allegation is completely false on its face.

6. Upon perusal of record, it appears that notice was issued by this Court which served upon the father of the informant. Despite of valid service of notice, none appeared



on behalf of the informant/complainant.

7. Learned A.P.P. for the State, while opposing the prayer of anticipatory bail of the petitioner, submitted that from the case diary, it appears that the date of birth of victim is 04.02.2008, as issued from Bihar State Madarsa Examination Board, Patna and, therefore, apparently she was minor on the date of occurrence.

8. It is submitted by learned A.P.P. that for the harassment, as alleged to be caused by this petitioner, the first husband of the complainant divorced her, whereafter she was subsequently married to another person, but petitioner failed to change his behavior and even the second husband of complainant divorced her knowing the fact that she was molested or harassed sexually by this petitioner.

9. It is further submitted that aforesaid allegation was also supported by victim while recording her statement under section 183 of the B.N.S.S. It is finally submitted by learned A.P.P. that it is not a case of love affairs.

10. It is also pointed out by learned A.P.P. for the State that the plea, as taken by learned counsel for the



petitioner that at the time of occurrence he was in Chennai is “plea of alibi” which is the “rule of evidence” and same can be taken care at the time of trial only.

11. In view of aforesaid factual submission and by taking note of fact that due to repeated act of sexual harassment, complainant was divorced twice and further upon perusal of Madarsa Board certificate, *prima-facie* it appears that on the date of occurrence complainant/victim was minor, accordingly, prayer of anticipatory bail of the petitioner stands rejected for the present.

(Chandra Shekhar Jha, J)

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