

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39108 of 2026

Arising Out of PS. Case No.-19 Year-2026 Thana- MAHILA P.S. District- Bhojpur

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Daniya Karisma @ Daniya Karishma Wife of Sahid Ali, Daughter of Khurshid Anwar @ Md Khurshid Anwar @ Md Jawed Choudhary Resident of Mohalla- Chaudhriyana, Near Masjid, Tari Mohalla, P.S.- Ara Town, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Miss X D/o- Md. Shamshad Resident of Mohalla- Chaudhriyana, P.S.- Ara Town, District- Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jagjit Roshan, Adv.
For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-06-2026 Heard learned Advocate for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Mahila P.S. Case No.19 of 2026 registered for the offences punishable under Sections 341, 323, 376, 506/34 of the Indian Penal Code and Sections 4 and 8 of the POCSO Act.

3. Based upon the written report, the prosecution alleges that sometime in the year 2022, co-accused Faiz Alam @ Sikander allegedly molested the victim and thereafter threatened her with dire consequences. It is further alleged that on 15.07.2022, the brother of Faiz Alam @ Sikander, namely, Prince @ Harun Iqbal, also subjected the victim to sexual



assault. The prosecution further alleges that on 02.04.2026, when the entire matter was brought to the notice of the family members of the aforesaid accused persons, the present petitioner, who happens to be their sister, allegedly threatened the victim with dire consequences.

4. Learned Advocate for the petitioner, taking this Court through the FIR, contended that the alleged occurrence took place on 11.06.2022 and further on 15.07.2022. The victim was working as a domestic help in the family and subsequently, owing to disputes and animosity between the husband of the petitioner and his brothers, the present FIR has been instituted with an ulterior motive to settle personal score. Moreover, even if the allegation is taken to be true for the sake of argument, so far as the petitioner is concerned, it is only alleged that she had threatened the victim long back on 15.08.2022, and the present FIR has been instituted on 12.04.2026. In such circumstances, the possibility of false implication and deliberation in lodging the prosecution case cannot be ruled out. It is further contended that the co-accused against whom there is identical allegation of causing threat to the victim is concerned, he has been extended the privilege of anticipatory bail by a coordinate Bench of this Court in Criminal Miscellaneous No. 38241 of 2026. It is next



contended that although the statements of the victim were recorded under Sections 180 and 183 of the BNSS, there are material inconsistencies therein and moreover the entire criminal prosecution appears to be *mala fide* and suffers from non-application of mind, inasmuch as despite the coming into force of the Bharatiya Nyaya Sanhita, 2023 with effect from 01.07.2024, the present FIR has been registered under the provisions of the Indian Penal Code.

5. On the other hand, learned Advocate for the State opposed the bail application and submitted that there is a specific accusation against the petitioner of causing threat to the victim, besides she being a woman is facing four criminal antecedent.

6. At this juncture, learned Advocate for the petitioner submits that out of four criminal cases, in two of them the police submitted final form showing the petitioner as innocent, and the remaining two cases were instituted by the full brother of the petitioner's husband, on which the petitioner is on bail.

7. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the delay in lodging of the FIR, coupled with the nature of the allegation and the fact that the co-accused person having



identical allegation has been allowed the privilege of anticipatory bail, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, 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 Court of POCSO Act-cum-District & Additional Sessions Judge-VI, Bhojpur at Ara in connection with Mahila P.S. Case No.19 of 2026, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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