

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41997 of 2026

Arising Out of PS. Case No.-271 Year-2025 Thana- KISHANGANJ District- Kishanganj

Mumtaz Alam @ Mumtaz, Son of Gul Mohammad @ Petu, Resident of
Village-Panisal, P.S.- Kishanganj, District- Kishanganj.

... .. Petitioner

Versus

1. The State of Bihar
2. X, D/o Y, Resident of Village-Panisal, P.S.-Kishanganj, District-Kishanganj

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s	:	Ms. Rina Sinha, APP
For the Informant	:	Mr. Jainendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-07-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State duly

assisted by learned counsel appearing for the informant.

2. The accused/petitioner is named in the FIR and

apprehending his arrest in connection with Kishanganj P.S.

Case No.271 of 2025 registered under Sections 341, 323,

379, 511, 504 and 506 read with 34 of the Indian Penal

Code as well as Section 8 and 12 of the Protection of

Children from Sexual Offences Act (in short 'POCSO Act').

3. Allegation against petitioner is to made an

attempt to commit theft along with co-accused person and

while committing so, he was protested by the minor



daughter of the informant aged about 15 years, as a result of which, the cloth of the daughter of informant was torned during the occurrence.

4. It is submitted by learned counsel that for the occurrence dated 02.10.2023, the complaint was filed on 20.10.2023 on the basis of which, the FIR was lodged on 24.05.2025. It is submitted that the allegation as raised against this petitioner and other co-accused persons not appears convincing to the extent that the minor daughter of the informant was harassed or assaulted sexually, in want of sexual intent, for the reason that the occurrence was basically related with the theft of the cattle. The petitioner claimed clean antecedent.

5. Learned APP duly assisted by learned counsel for the informant vehemently opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact, as the complaint/narration of the FIR *prima facie* fails to suggest that the minor daughter of informant was harassed/assaulted sexually with sexual intent, as the occurrence basically alleged to be committed



for the theft of the cattle, accordingly, the petitioner, above-named, who is a man of clean antecedent, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (POCSO), Kishanganj in connection with Kishanganj P.S. Case No.271 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short 'CrPC')/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short 'BNSS').

(Chandra Shekhar Jha, J.)

Sanjeet/-

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