

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47501 of 2025

Arising Out of PS. Case No.-64 Year-2025 Thana- AAJAM NAGAR District- Katihar

Gholam Hussain @ Gulam Hussain @ Naiyer S/o Md. Ashfaque @ Md. Asfak R/o Village- Sisya Purab Tola, ward no. 22, P.S.- Azamnagar, Dist.- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajeka Khatoon W/o Md. Shahid R/o Village- Sisya Purab Tola, Ward No. 2, P.S.- Azamnagar, Dist.- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md Qumrul Hoda, Adv.
For the State	:	Mr.Ram Priya Sharan Singh, APP
For the Informant	:	Md. Musowir, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 12-02-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. A prayer for bail has been made on behalf of the petitioner in connection with Azamnagar P.S. Case no.64 of 2025 registered under sections 65(2), 66 and 103 of BNS and Section 4/6 of POCSO Act.

3. Allegation in the F.I.R is that some unknown criminals committed rape with informant's minor daughter and also killed her.

4. Learned counsel for the petitioner submits that informant is the own sister-in-law of the petitioner's father and due to earlier dispute, the present case has been lodged. It has



further been submitted that there is no substantial witness to prove the allegation and the name of the petitioner has transpired only on suspicion after forty days of F.I.R. It has also been submitted that no independent witness has been examined in support of the prosecution case. The petitioner is in custody since 21.04.2025 and has no criminal antecedent. He undertakes to cooperate in the case/trial.

5. The application for bail is opposed by learned A.P.P. for the State as also learned counsel for the informant on the ground that deceased is a ten year old girl, who has been done to death and cause of her death is asphyxia due to throttling and the materials collected during course of investigation indicate the complicity of the petitioner coupled with his confessional statement accepting the guilt.

6. A report was called for from the learned trial Court with regard to the stage of the case and letter dated 27.01.2026 would indicate that till date no witness had been examined, however, summons and bailable warrants have been issued against prosecution witness. Further, it is informed by the learned counsel for the informant that two witnesses have already been examined and five witnesses remain to be examined. It is undertaken by the learned counsel for the



informant that the remaining witnesses would be examined within a period of five months.

7. In such view of the matter, considering the seriousness of the allegation, this Court is not inclined to grant the petitioner on bail and the application is rejected.

8. Learned trial Court is directed to expedite the trial and conclude the same preferably within a period of six months, failing which the petitioner would be at liberty to renew his prayer for bail.

(Soni Shrivastava, J)

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