

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53579 of 2025

Arising Out of PS. Case No.-131 Year-2025 Thana- DHORAIYA District- Banka

Md. Imtiyaz Alam S/o Khurshid Alam R/o Village- Nanan Pair, P.S.-
Dhoraiya, Dist.- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. X D/o Y R/o- Nananpair, P.S.- Dhoraiya, Dist.- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar, Advocate
For the Opposite Party/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 07-01-2026 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner seeks bail in connection with
Dhoraiya P.S. Case No. 131 of 2025 registered for the offences
under Sections 126(2)/115(2)/8 of the POCSO Act and Sections 3
(i)(r)(s) of the SC/ST Act.

3. As per the prosecution case, the informant has
alleged that while she was feeding the cows the
accused/petitioner grabbed her from behind, bite on her lips and
neck with teeth and thereafter also took off her clothes and then
tore her blouse. It is only when one Manjita Devi came to her
rescue then he fled away.

4. Learned counsel for the petitioner submits that



the petitioner has falsely been implicated and no such incident has occurred. It is on account of some personal dispute a false and concocted story has been propounded by the informant and the injury does not support the fact that any untoward incident had occurred with the victim. It is further submitted that the injuries were found to be simple in nature and her age on radio-logical tests was found to be between 17 to 19 years. It has next been submitted that the Sections of the SC/ST Act is not applicable in the present case. It has lastly been submitted that the petitioner has clean antecedent and is in custody since 30.04.2025.

5. Learned Spl. PP for the State as well as counsel for the O.P. No. 2 vehemently opposed the prayer for bail of the petitioner and have stated that the allegations levelled in the FIR is supported by the medical examination report wherein the marks of teeth bite was found upon the body of the victim.

6. Considering the facts and circumstances of the case and taking into account the period of custody of the petitioner, he is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-6-cum-Spl. Judge POCSO, Banka in connection with Dhoraiya P.S. Case No. 131 of 2025, subject to the following conditions:



(i) One of the bailors will be a close relative of the petitioner;

(ii) the petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court;

(iii) in case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will liable to be cancelled by the Court concerned;

(iv) the Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of the same on in the name of verification.

(v) the petitioner is refrained from meeting with the victim or her family members and does not try to influence them.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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