

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50287 of 2025

Arising Out of PS. Case No.-216 Year-2024 Thana- INDUSTRIAL District- Bhagalpur

Md. Asif @ Md. Chhotu S/o Md. Hassan @ Hasan, resident of village-
Fatehpur, police station Industrial Area, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khusi Khatoon D/O Md. Abu Hamja Mansoori, resident of village Mansuri
Tola, resident of village Fatehpur, P.S. Industrial Area, Dist. Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.M.Ashraf, Sr. Advocate Mr.Md.Najmul Hodda Mr. S.S. Ashraf
For the State	:	Mr.Damodar Prasad Tiwary, APP
For the informant	:	Mr. Nurul Hoda

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 05-01-2026 Heard the learned counsel for the parties.

2. This is an application for regular bail on behalf of
the petitioner for the offences alleged under Section 64 of BNS
and 04/08 of the POCSO Act, registered in connection with
Industrial Area P.S.Case No. 216 of 2024.

3. Allegedly, the petitioner established physical
relation with the informant multiple times at the pretext of
marriage and later refused to stick to his promise.

4. The learned counsel for the petitioner has submitted
that, according to her statement under section 183 of the BNSS,
the victim's age is 18 years, whereas the court assessed her age



as 19 years in course of her statement being jotted down under Section 183 of the BNSS. In the FIR, the age of the victim has been mentioned as 19 years, and as per her medical certificate her age is more than 18 years. The learned counsel has submitted further that the Hon'ble Supreme Court in ***P. Yuvaprakash vs. State represented by Inspector of Police (Cr.Appeal No. 1898 of 2023)***, has held that the transfer certificate is not the proof of age and the present case is exactly similar to the case of ***P. Yuvaprakash***. The learned counsel also submitted that the petitioner is in custody since 07.12.2024. The learned counsel has submitted further that the relationship between the petitioner and the informant was consensual.

5. On the other hand, the learned counsel for the informant has opposed the prayer for bail and has submitted that the trial is on the verge of conclusion, to which the learned counsel for the petitioner replies that three witnesses are yet to be examined.

6. Considering the facts and circumstances of the case, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, POCSO-cum-District and



Addl. Sessions Judge-VI, Bhagalpur, in connection with Industrial Area P.S.Case No. 216 of 2024, subject to the condition that the petitioner shall cooperate in the disposal of trial **and shall remain present physically before the learned court below on each and every date, otherwise his bail bond shall be liable to be cancelled.**

(Nawneet Kumar Pandey, J)

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