IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56944 of 2026

CNR No. BRHC010788362026

Arising Out of PS. Case No.-39 Year-2025 Thana- MAHILA P.S. District- Madhubani

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Md. Shabbir @ Md. Shabir Son of Md. Shamim Akhtar Resident of Village- Pachahi, P.S.- Madhepur, District- Madhubani.

... ... Petitioner/s

Versus

1. The State of Bihar
2. XXX D/o YYY Resident of Village- Pachahi, P.O.- Pachahi, P.S.- Madhepur, District- Madhubani.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Baleshwar Kamat, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 27-10-2026 Heard learned Counsel for the petitioner and learned APP for the State.

2. The present criminal miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS, 2023') for grant of regular bail to the petitioner who is in custody in connection with Mahila P.S. Case No. 39 of 2025, lodged on 02.07.2025, under Sections 126(2)/ 115(2) /64 /352 / 3(5) of the BNS, 2023 and under Sections 4/6 of the POCSO Act, pending in the Court of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO Act), Civil Court, Madhubani.

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3. As per the prosecution, the FIR has been lodged against three named accused persons including the present petitioner. It has been alleged by the informant, a minor girl, that the petitioner enticed her on the pretext of marriage and thereafter on several occasion committed sexual assault upon her as a result she became pregnant. Thereafter, petitioner refused to marry her.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that after completion of investigation final form has been submitted against the petitioner. He submits that differing with the final form the learned Special Court, POCSO has pleased to take cognizance under Sections 126(2), 115(2), 63, 3(5) of the B.N.S. Learned Counsel for the petitioner submits that petitioner is in custody since 03.07.2025 having clean antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for bail of the petitioner and submits that on the previous occasion case-diary as well as statement of the victim recorded under Section 183 BNSS was called for. He submits that the victim in her statement has supported the FIR.

6. Considering the nature of allegation, this Court is

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not inclined to grant bail to the petitioner. Hence, the prayer for bail of the petitioner is hereby refused.

(Dr. Anshuman, J)

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