IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63205 of 2026

CNR No. BRHC010892772026

Arising Out of PS. Case No.-542 Year-2026 Thana- SIKARPUR District- West Champaran

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Shahnawaj Alam alias Shahnavaj Alam, Son of Sheikh Akbar Ali, Resident of Village-Amaghaud, Ward No.-16, P.S.-Shikarpur, District-West Champaran.

... ... Petitioner/s

Versus

1. The State of Bihar
2. X, Y, Resident of Village-Amaghaud, Ward No.-16, P.S.-Shikarpur, District-West Champaran.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Sharad Kumar Verma, Advocate
For the Opposite Party/s : Mr.Anant Kumar 1, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

4 30-10-2026 Heard learned counsel for the petitioner and learned APP for the State. Despite receipt of notice by the grand father of the victim and the matter being fixed for admission by the learned Coordinate Bench, there is no representation on behalf of opposite party no. 2.

2. In the present case, the petitioner seeks bail in connection with Shikarpur P.S. Case No. 542 of 2026, registered for the offences under Sections 76 & 78 of BNS and Sections 8/12 of the POCSO Act.

3. As per the prosecution case, the petitioner used to molest the minor informant and in inebriated condition entered into the house of the informant in night and tried to commit rape

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with her. He was caught by the family members of the informant, but the family members of the petitioner came and got him freed. The informant further alleged that the petitioner was in a habit of stalking and misbehaving with her.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence in the manner as alleged has ever taken place. When the statement of the victim was recorded under Section 180 of BNSS, she stated that she was in love with the petitioner and both of them were in physical relationship. However, while recording statement of the victim under Section 183 of BNSS, she gave a different version of the occurrence and stated about the petitioner forcibly trying to impose upon herself. But the same is not believable in the fact that even the mother of the victim and her other family members stated that the petitioner and the victim used to talk with each other on phone and on pretext of solemnization of marriage, the petitioner entered into physical relationship with the informant. So, it is apparent that the petitioner went to the house of the informant on her saying and family members caught him and this case has been lodged. The petitioner is in custody since 28.05.2026 and is having clean antecedent.

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Charge sheet has been submitted.

5. Learned APP appearing for the State opposes the submission made on behalf of the petitioner. Learned APP submits that there is specific allegation against the petitioner that the petitioner made attempt to commit rape with the minor informant.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the nature of allegation and further considering the period of custody of the petitioner, his clean antecedent and submission of charge sheet, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge under POCSO Act, West Champaran at Bettiah/concerned court, in connection with Shikarpur P.S. Case No. 542 of 2026, subject to the condition laid down under Section 480(3) of the BNSS and other 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

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below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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