

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72256 of 2025

Arising Out of PS. Case No.-19 Year-2025 Thana- MAHILA P.S. District- Madhepura

Md. Saddam, son of Md. Rahamtulla, Village- Satokhar PS -Singheshwar
District -Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Daughter of Marayi Devi under the guardianship of her mother namely, Marayi Devi, Resident of Village- Toka, Jiwachhpur, Ps- Gamhariya, Dist- Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 08-01-2026 Despite service of notice nobody appears on behalf of
the opposite party no.2.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. Petitioner, who is in custody, seeks bail in
connection with Mahila P.S. Case No.19 of 2025 registered for
the offences punishable under Section 64 of the Bharatiya
Nyaya Sanhita, 2023 and Sections 4/12 of the Prevention of
Children from Sexual Offences Act, 2012.

4. As per the prosecution case, the informant/victim
has stated that while she had gone to Singheshwar, she lost her
way, when one boy, namely, Md. Saddam (petitioner), lent his



mobile phone for her to call her home, however, the call could not be connected. It is further alleged that he offered her tea, upon which she fell unconscious and thereafter she woke up the next morning and found that the boy had committed wrong act with her and thereafter he also married her by putting on vermilion.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case on account of personal dispute and he had no concern whatsoever with the alleged incident and no such incident as stated has occurred. It has been pointed out that from perusal of the statement of the victim made under Section 183 of the BNSS, it would be evident that she has not taken name of the petitioner and she had in fact pleaded ignorance as to what had happened with her. It has further been submitted that the victim in fact had not even stated that she does not know the name of the person who has taken her along. It has lastly been submitted that the petitioner has clean antecedent and he is in custody since 03.07.2025.

6. The learned A.P.P. has vehemently opposed the prayer for bail and has stated that the petitioner was the person who had taken away the victim along with her sister and had



also committed rape as per the original version made in the FIR.

7. Considering the aforesaid submissions made by the parties and taking into account the fact that the victim has not supported the case in her 183 BNSS statement, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mahila P.S. Case No.19 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two 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.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned 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 bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or



in the name of verification.

8. Accordingly, the prayer for bail is allowed.

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

(Sourendra Pandey, J)

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