

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76409 of 2025

Arising Out of PS. Case No.-149 Year-2025 Thana- BANKA District- Banka

Sahabuddin @ Sahabuddin Khan S/o Barsati R/o village- Hajipurwa Kalan,
Police Station- Harij, District- Balrampur, Uttar Pradesh

... .. Petitioner/s

Versus

1. The State of Bihar
2. [REDACTED] R/o Vill- Vijaynagar, P.S.- Banka,
Distt- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 19-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 87 of B.N.S. and Sections 4/6 of the POCSO Act.

3. The case of the prosecution is that informant's daughter aged about went to Banka Sadar Hospital for fetching medicines for her mother. Later, her mother told her to go to home then she left the hospital but she did not reach home. During course of investigation, the victim was recovered and she has given her statement under Section 180 and 183 of B.N.S.S. wherein she has stated that she went without disclosing



it to her mother with this petitioner to Pune. She was on talking terms through facebook with the petitioner. She has further stated that she has solemnized marriage with the petitioner in a temple and started living in a room. They also had physical relation and she got pregnant out of that relation.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner has submitted that from perusal of the order of the learned trial court, it is clear that the statement which the victim has given under Section 183 of B.N.S.S. is similar to that of Section 180 of B.N.S.S. as discussed above. Learned counsel for the petitioner has submitted that the parents of the victim has accepted the marriage and it has also been brought to the notice that from perusal of the affidavit which has been filed with this bail petition, it is clear that one Rakesh Das has filed affidavit supporting this petition who is son of the informant. Learned counsel for the petitioner has also submitted that from perusal of the FIR, it is clear that the victim was aged about 18 years and the petitioner and the victim were in relationship. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since



05.09.2025.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Banka P.S. Case No. 149 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-6-cum-Special Judge, POCSO, Banka **with a condition that one of the family members of the victim will be bailor of the petitioner.**

(Ashok Kumar Pandey, J)

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