

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79569 of 2025

Arising Out of PS. Case No.-13 Year-2024 Thana- PUWAKHALI District- Kishanganj

1. Nazir Hussain @ Nazir, Son of Ainus Hussain @ Enus Hussain, R/o Village - Bagalbari, P.S. - Kochadhaman, Dist. - Kishanganj
2. Matiur Rahman @ Maulana, Son of Abdul Majid, R/o Village - Gherabari, P.S. - Angad and Dist. - Purnea.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 24-02-2026 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR and apprehending their arrest in connection with Pawakhali P.S. Case No.13 of 2024 registered under Sections 363 and 365 read with 34 of the Indian Penal Code).

3. As per FIR, the petitioners alleged to kidnap the minor cousin sister of informant aged about 15 years, where a suspicion was raised that she might be killed or be involved in flesh trade.

4. It is submitted by learned counsel appearing for petitioners that out of previous enmity, both petitioners have



been implicated falsely with present case, as petitioner no.2 is the witness in Kochadhaman P.S. Case No.117 of 2019. It is also submitted that upon medical examination, the age of victim found between 19-20 years and, therefore, lodging this case under POCSO Act also not appears convincing. It is submitted that the statement of victim *qua* supporting the allegation of penetrative sexual assault also not appears convincing on its face, as same appears to be committed while she was unconscious, therefore, naming petitioners as to involve in committing penetrative sexual assault not appears convincing. It is further submitted that petitioners were known to the informant and family members. Explaining criminal antecedent, it is submitted that the petitioners are men of clean antecedent.

5. Learned APP while opposing the prayer of bail submitted that the victim while recording her statement under Section 164 of the CrPC categorically stated that while she was in captivity, she was given adulterated water, whereafter both petitioners have committed penetrative sexual assault/rape upon her while she was unconscious and,



further, she was also raped by other co-accused persons. It is submitted that it is a case of aggravated penetrative sexual assault. It is further submitted that through her statement, the victim also alleged that she was forced by these petitioners to join flesh trade.

6. In view of aforesaid factual submissions and by taking note of fact as the informant/victim categorically stated while recording her statement under Section 164 of the CrPC that petitioners have committed penetrative sexual assault/rape after offering adulterated water, accordingly, the prayer for anticipatory bail of both above-named petitioners stands rejected.

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

