

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80661 of 2025

Arising Out of PS. Case No.-330 Year-2025 Thana- JOGAPATTI District- West Champaran

Musan Mian @ Naseem Alam Son of Bakshish Mian @ Vakshish Alam @ Vakshish Aajam Resident of village- Machhargawan, Ward No. 03, P. S.- Jogapatti, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Paswan Son of Late Mus Paswan Resident of village- Machhargawan, Purab Tola, P. S. Jogapatti, District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Advocate
For the Opposite Party/s : Mrs. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 21-01-2026 Heard Mr. Sharad Kumar Verma, learned counsel for the petitioner and Mrs. Usha Kumari, learned APP for the State.

2. The petitioner has prayed for bail in connection with Jogapatti P.S. F.I.R. No. 330 of 2025 registered for the offence punishable under Sections 64, 65(1)/3(5) of the B.N.S., 2023, Section 4/6 of the POCOS Act & Sections 3(2) (v) of the SC, ST Act.

3. The case of the prosecution in short is that the minor daughter of the informant, aged about 15 years, was called by one Golu Mian at his house and has established a physical relationship with her. It is further alleged that the petitioner, along with others, was present at the time of the



alleged act.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. Learned counsel for the petitioner submits that in the present case, the trial has already commenced and the victim has been examined as PW-1. She has stated in her examination-in-chief that this case has been filed by her father. Her statement was not recorded by the Investigating Officer; rather, it was recorded before the Magistrate. Her medical examination was also conducted, and she has identified the petitioner and others. In cross-examination, this witness stated that when she was taken to the police station, the police took her LTI on a plain paper. She was not asked by the police regarding the incident, and she has given her statement before the Magistrate as directed by the police. He also submits that from the deposition of PW-1, who is the victim, it is clear that she has denied the occurrence and has not named this petitioner anywhere. It has also been submitted that since there is no allegation of abusing or calling the informant by caste name, the provisions of the SC/ST Act are not attracted. He further submits that a statement has been made in para 3 of the petition that petitioner has no



criminal antecedent and he is languishing in judicial custody since 08.08.2025.

5. The application for bail is opposed by learned APP for the State.

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 enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge, POSCO Act, West Champaran at Bettiah in connection with Jogapatti P.S. F.I.R. No. 330 of 2025.

(Ashok Kumar Pandey, J)

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