

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85152 of 2025

Arising Out of PS. Case No.-160 Year-2025 Thana- ALINAGAR District- Darbhanga

Hifzur Rahman @ Hizbul Rahman @ Arju S/O Md. Motiur Rahman R/O
Mohalla- Alinagar, Ward no.- 11, P.S- Alinagar, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Shah Nawaz Ali, Advocate
For the State	:	Mr. Sanjay Kumar Pandey, APP
For the Informant	:	Mr. Girish Chandra Jha, Advocate
		Mr. Ashish, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 02-02-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 126(2), 115(2) and 96 of B.N.S. and Section 4 of the POCSO Act.

3. The case of the prosecution is that the petitioner has forcefully boarded the minor daughter of the informant on his bike by gagging her mouth and has taken her to any place towards Shyampur road. During course of investigation, the victim was recovered and she has given her statement recorded under Sections 180 and 183 of B.N.S.S. She has stated under Section 180 of B.N.S.S. that she was having affair with the petitioner. She has further stated that the petitioner forged her to



talk on phone and that she had entered in that relationship due to his fear. She has further stated that on the fateful day, the petitioner boarded her on his bike forcefully. He promised her to marry whereas in her statement recorded under Section 183 of BNSS, she has stated that he has established physical relationship with her forcefully. She has also stated that while making statement before the police, she was threatened by the petitioner.

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 medical examination report of the victim, it is clear that the doctors conducting the medical examination of the victim have found no any external or internal injury seen and have finally opined that there is no recent or forceful intercourse. Learned counsel for the petitioner has further submitted that the statement of the victim recorded under Section 180 of BNSS does not disclose any forceful sexual act with her whereas in her statement recorded under Section 183 of BNSS she has stated that forceful sexual intercourse has been committed with her. Learned counsel also submitted that the petitioner and the informant both are neighbour and there has been financial



relation between them. He has further submitted that the victim herself has admitted that there was relationship between her and the petitioner and the story of forceful intercourse does not believable as the same is not supported in the medical examination of the victim. Moreover, the petitioner is languishing in judicial custody since 30.07.2025.

5. Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer of regular bail. Learned counsel for the informant has submitted that the victim is minor at the time of occurrence as her date of birth in the year 2010. He has further submitted that petitioner is having criminal antecedent of eight cases. In para-29 of the case diary, the I.O. has pasted the photocopy of the school transfer certificate. No other document is there in support of the age whereas in medical report, the doctor has opined that the age of the victim is 17-18 years.

6. In view of the Section 94 of the J.J. Act, school leaving certificate is not a document for determination of the age whereas the medical examination report is one of the resorts which can be taken into consideration if there is no document supporting the age.

7. 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 Alinagar P.S. Case No. 160 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 A.C.J.M. 1st Darbhanga.

(Ashok Kumar Pandey, J)

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