

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86630 of 2025

Arising Out of PS. Case No.-61 Year-2025 Thana- MAHILA P.S. District- Kishanganj

Md. Saddam Hussain @ Md. Saddam S/O Md. Quamrul Hoda Resident of
Village- Patwa Goharrah, P.S.- Gawalpokhar, District- Uttar Dinajpur (West
Bengal).

... .. Petitioner/s

Versus

1. The State of Bihar
2. 'X' informant/Victim D/O Md. Jahangir Alam R/O Village- Baluchuka, P.S
and Distt.- Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP
For the Informant	:	Mr. Rajiv Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-01-2026 Heard Mr. Bhola Prasad, learned counsel for the

petitioner, Mr. Rajiv Ranjan, learned counsel for the

informant as well as Mr. Bhanu Pratap Singh, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Mahila P.S. Case No. 61 of 2025, F.I.R. dated
10.07.2025 for the offences punishable under Sections 64(1),
126(2), 115(2), 352, 351(2) and 3(5) of the BNS, 2023.

3. According to prosecution case, for about three



years the petitioner established physical relation with the informant but later on refused to marry with her.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the F.I.R is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that it appears from the F.I.R that the informant was in relationship with the the petitioner and she has not complained about him anywhere during that period but when the petitioner has performed marriage, then she has falsely implicated the petitioner in the present occurrence only to harass the petitioner. Apart from the aforesaid, the medical report of the victim suggest that the victim is major and no recent trace of sexual harassment against her was found.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and the informant has not produce any evidence which suggest that she has been sexually harassed by the petitioner, let the petitioner, above



named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 S.D.J.M, Kishanganj in connection with Mahila P.S. Case No. 61 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the 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.

(Rajesh Kumar Verma, J)

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