

In the court of Pradeep Kumar Choudhary, District & Additional Sessions
Judge-VII-Cum-Spl. Judge POCSO, Katihar

[ANTICIPATORY BAIL PETITION No. 798 of 2026]

(Arising out of Abadpur P.S. Case No. 127/2025)

U/s- 137(2) & 96 of B.N.S.

1. Afsana Khatoon, aged about 43 years, W/o- Shamshul Haque

2. Jiyaul Haque, aged about 26 years, S/o- Shamshul Haque

All are R/o- Vill-Maltipur Ward No. 1, P.S.-Abadpur, Dist- Katihar

..... PETITIONER/S

v/s

The State of Bihar

..... OPPOSITE PARTY

Appearance:

For the Petitioner/s : Tanbir Hassan & Ors., Ld. Advocate.

For the Opposite Party : Smt. Meena Sharma, Ld. Spl. Public Prosecutor

Date	Order	Remarks
14.07.2026	Pre arrest bail petition dt. 26.05.2026 on behalf of accused (1) Afsana Khatoon & (2) Jiyaul Haque is pressed today. Copy of the bail petition has been supplied to the Ld. Spl. P.P. Heard both the sides and perused the record. Ld. Counsel has submitted that no regular or anticipatory bail petition on behalf of the above named petitioners has been filed either before this court or before Hon'ble High Court, Patna. There is no criminal antecedent of the petitioners and the petitioners are innocent and they have not committed any offence at all and they have been falsely implicated in this case due to village politics. There is delay of 16 days in filing of F.I.R and the allegation U/s- 137(2) & 96 of B.N.S. is not against the petitioners. The petitioners have only verbally abused the informant. The petitioners have been working in Mumbai as labourers for	

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many years. The petitioner no. 1 & 2 are mother and brother of the accused Azazul Haque. Petitioners have properties under the jurisdiction of the court and there is no chance of their absconding and they are ready to furnish local and sound bailors. Therefore prays to grant of Pre-arrest bail to the petitioners.

On the other hand, the Ld. Spl. P.P on behalf of the prosecution has opposed the prayer of anticipatory bail.

The prosecution case in brief as per written application of F.I.R. is that this case has been registered on 07.12.2025 regarding the occurrence alleged to be taken place on 22.11.2025 at 05:00 P.M.; for the offence punishable U/s- 137(2) & 96 of B.N.S. Wherein it is alleged that a daughter of the informant / victim-X aged about 15 years old went outside for some work but she did not return home. The informant searched her and during search, he knew that Ajajul Haque and Md. Islam had taken away the victim after luring her on the pretext of marriage. Then the informant went to house of Ajajul Haque then his eight family members including the petitioners verbally abused the informant, pushed him and denied to hand over the victim.

On perusal of record it transpires that the witnesses in para- 02, 06, 07, 08, 85 & 86 have supported the prosecution case. Date of birth of the victim is 04.08.2010 (CD Para-56, school leaving certificate) and she was minor at the time of the alleged occurrence. The victim has not been

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recovered till now.

In light of aforesaid facts and circumstances of this case, this court is not inclined to enlarge the petitioners (1) Afsana Khatoon & (2) Jiyaul Haque on pre-arrest bail and the prayer accordingly stands **rejected** with direction to surrender before the court within fortnight with a liberty to file regular bail.

sd/-

(P.K. Choudhary)

D.A.S.J. VII-cum-Spl.

Judge POCSO, Katihar

Let a copy of the order be sent to the concerned court.

(P.K. Choudhary)

D.A.S.J. VII-cum-Spl.

Judge POCSO, Katihar

WEB COPY OF CIVIL COURT, KATI HAR