

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2572 of 2025

Arising Out of PS. Case No.-123 Year-2024 Thana- BEN P.S. District- Nalanda

Dablu Kumar @ Shambhu Kumar S/o- Upendra Singh Village- Joghabigha
PS-Ben District- Nalanda

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. X D/o- Siyaram Prasad Village- Joghabigha Ps- Ben Dist- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Bhardwaj, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 10-04-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
POCSO Case No. 147 of 2024, arising out of Ben P.S. Case No.
123 of 2024 instituted for the offence under Sections 376, 313,
504, 506/34 of the Indian Penal Code and Sections 4/6 of the
POCSO Act.

3. Prosecution case in short is that petitioner has
sexually assaulted the informant and forced her to undergo
abortion.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 21-11-2024. Petitioner



bears no criminal antecedent/s, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel for the petitioner mainly submits that there is delay of 5 years and 2 months in lodging the FIR. It is next submitted that marriage of the sister of the victim took place in 2023, and for the same financial help of two lakhs rupees was extended by the petitioner's father with a promise to return the same but on persistent demands the same was not being returned, which is the prime reason for the implication of the petitioner. Charge sheet is submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Victim has supported the prosecution case in her statement recorded under Section 164 of the Cr.P.C. Though there is no sign of sexual assault as the medical is done five years after date of incident.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being huge delay in lodging the FIR and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on



furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with POCSO Case No. 147 of 2024, arising out of Ben P.S. Case No. 123 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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