

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2930 of 2025

Arising Out of PS. Case No.-507 Year-2024 Thana- RAJGIR District- Nalanda

Seth ji @ Aryan S/o- Late Kali Charan Gupta Resident of Village-
Gaurakshani Rajgir PS- Rajgir Distt- Nalanda

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. xxx R/o - Dhobitola PS- Rajgir Dist- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.M Ashraf, Sr. Advocate
		Mr. Uday Kumar, Advocate
For the Opposite Party/s	:	Mr. Binay Krishna, APP
		Mr. Mithlesh Kr. Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 11-04-2025

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Rajgir P.S Case no.507 of 2024 registered under sections 65(1) and 3(5) of the Bhartiya Nyaya Sanhita, 2023, sections 4 and 6 of the POCSO Act and section 3(2)(v) of the SC/ST Act.

3. As per the prosecution case, the informant states that her 15 year old daughter who studies in Class 9 was taken away by the petitioner and one another on some pretext. She was taken taken to the hotel where the petitioner is said to have committed rape on her.



4. Learned Senior counsel appearing for the petitioner submits that the petitioner has been falsely implicated in the case. The alleged victim has not supported the prosecution case as narrated in the FIR. The petitioner is in custody since 3.11.2024 and chargesheet has been submitted in the case. He has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P for the State. Referring to the statement of the alleged victim recorded under section 183 BNSS, it is submitted that the daughter of the informant stated that she along with her friend had gone to the market to roam about. On returning back to her school from the market, the teachers were sitting there who informed the concerned police station. By this time, her parents had already registered a case.

6. Having heard learned counsel for the parties and taking into consideration the contents of the statement of the victim under section 183 of the BNSS wherein she has not supported the prosecution case, the petitioner not having any criminal antecedent, his having remained in custody for 5 months since 3.11.2024 and chargesheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Rajgir P.S Case no.507 of 2024 on furnishing



bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge-cum-Special Judge, POCSO, Biharsharif, Nalanda.

(Partha Sarthy, J)

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