

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3187 of 2025

Arising Out of PS. Case No.-292 Year-2024 Thana- RANIYATALAB District- Patna

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1. Manish Kumar S/O Mithlesh Ram R/O Village- Barah, P.S- Rani Talab, Distt.- Patna, Bihar.
 2. Dharendra Kumar S/O Mithlesh Ram R/O Village- Barah, P.S- Rani Talab, Distt.- Patna, Bihar.
 3. Amarnath Kumar S/O Mithlesh Ram R/O Village- Barah, P.S- Rani Talab, Distt.- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sarita Devi, W/O Marachu Ram, R/O Village- Barah, P.S- Ranitalab (Kanpa), Distt.- Patna, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Mariya Nazir, Advocate. Mr. Rohit Kumar Tripathi, Advocate.
For the State	:	Mr. Shyam Kumar Singh, APP.
For the Informant	:	Mr. Ramanuj Tiwary, Advocate.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the informant.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Ranitalab P.S. Case No. 292 of 2024 dated 26.07.2024, registered for the offences punishable under Sections 126(2), 115(2), 333, 352, 351(2), 351(3), 3(5) of the B.N.S., 2023, Sections 8 and 12 of the POCSO Act. However, from perusal of the formal FIR and written report, it transpires from the written



report that there is endorsement of the Officer-in-Charge of Ranitalab Police Station to the effect of registration of F.I.R. No. 5117075240292 under POCSO Act besides BNS. However, in the formal FIR, Police has inadvertently missed to mention the relevant Sections of POCSO Act as endorsed on the written report by the Officer-in-Charge.

3. As per allegation, the daughter of the informant who is 15 years old was alone at her home when the petitioners herein entered into the house of the informant and started abusing her daughter and misbehaved with her and even put her down on the earth. It is further alleged that when she protested, her mouth was shut and throat was pressed, but somehow she came out of their control and started crying. Thereafter other co-accused who are family members of the petitioners came and exhorted the petitioners herein to kill her.

4. Learned counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. She further submits that as a matter of fact the accused side are neighbours and few days back, there was altercation between two families in regard to grazing of crops by she-goats of the accused side and on the date of alleged occurrence, there was again altercation in regard to the same and, hence, this false



case has been lodged. In support of her submission, she refers to paragraphs-128 and 129 of the case diary wherein the independent witnesses who have been examined by the Police have supported her contention. She also submits that contents of the written report is also not persuasive because as per allegation, three persons had entered into the house of the informant but they have not made any harm which is not possible if they intended to cause any harm or sexual assault to the alleged victim, but there is no such allegation, which clearly shows that there is false implication on account of some altercation.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioners have no criminal antecedents.

7. Learned APP for the State and learned counsel for the informant vehemently oppose the prayer of the Petitioner for bail submitting that this is a case against the minor girl and hence, the petitioners do not deserve anticipatory bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named,



to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of concerned court below in connection with Ranitalab P.S. Case No. 292 of 2024 , subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

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