

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4472 of 2025

Arising Out of PS. Case No.-128 Year-2024 Thana- KISHANPUR District- Supaul

1. Niraj Kumar Son of Dhiyani Ram @ Dhyani Ram Village- Kamaldaha PS -Kishanpur, Dist- Supaul

2. Pintu Jha @ Pintu Kumar son of Shambhu Jha Village- Kamaldaha PS -Kishanpur, Dist- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar

2. Rani Kumari Daughter of Ramdev Suti har Village- Kamaldaha ward no 4 PS -Bhupatai sarai, Dist- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s

:

Mr. Murari Narain Chaudhary, Adv.

For the Opposite Party/s

:

Mr.P armanand Kumar, APP

For the Informant

:

None

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

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24-04-2025

Heard learned counsel for the petitioners and learned APP for the State. In spite of valid service of notice, no one appears on behalf of the O.P. No.2. Perused the case diary.

2. The petitioners seek bail in connection with POCSO Case No. 66 of 2024 arising out of Kishanpur P.S. Case No. 128 of 2024 instituted for the offences under Sections 341, 354(B), 506, 379/34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per prosecution case, the accusation against the accused persons including the petitioners is of sexual assault



upon the victim using pistol and a knife.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. He further submits that there is delay of six days in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. The petitioners have not committed any offence as alleged in the F.I.R. There is a case and counter case between the parties. Learned counsel for the petitioners submits that there is no direct or specific allegation of any overt act against the petitioners rather the same is general and omnibus in nature. He further submits that out of total six accused, four co-accused persons have already been enlarged on bail by the learned court below itself. The petitioners have no criminal antecedent. The petitioner no.1 is in custody since 20.09.2024 whereas petitioner no.2 is in custody since 25.09.2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners, stating that the offence alleged against the petitioners is serious in nature. The victim girl in her statement recorded under Section 164 of the Cr.P.C. has corroborated the



allegations made in the F.I.R. The victim girl is minor. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioners. The petitioners are named in the F.I.R. and, hence, they do not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioners and the petitioners having no criminal antecedent, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with POCSO Case No. 66 of 2024 arising out of Kishanpur P.S. Case No. 128 of 2024.

(Rudra Prakash Mishra, J)

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