

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2843 of 2025

Arising Out of PS. Case No.-155 Year-2024 Thana- DHANAHA District- West Champaran

Thandu @ Kanhaiya Nishad S/o- Rajdeo Nishad Village- Barwa Ps- Dhanaha
Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Gond D/o- Khajanti Gond Village- Barwa Ps- Dhanaha Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brij Kishore Mishra, Advocate
For the Informant	:	Ms. Prerna Anand, Advocate
For the State	:	Mrs. Meena Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 13-05-2025 Heard Mr. Brij Kishore Mishra, the learned counsel appearing on behalf of the petitioner, Ms. Prerna Anand, the learned counsel for the Informant and Mrs. Meena Singh, the learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Dhanaha P.S. Case No. 155 of 2024, registered for the offences punishable under Sections 64, 329(4), 351(3) of B.N.S., 2023, Sections 4, 8 of the POCSO Act and Section 3 (i) (r) (s) (w) 2(v) of the SC/ST Act. Petitioner has clean antecedent.

3. The prosecution case is to the effect that the informant has alleged that at the night on 11.07.2024, the accused Thandu @ Kanhaiya Nishad (petitioner) entered into her house from the window and forcibly committed rape upon her. It is further alleged that he also threatened to kill her if she discloses the fact. The



informant has stated that she subsequently disclosed the said incident to her mother and father and the FIR was lodged thereafter.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case at the behest of the informant on the pressure of her parents. Learned counsel for the petitioner has stated that informant herself in her statement has stated her age to be 19 years, however, her age was subsequently assessed to be around 17 years in order to implicate the petitioner under POCSO Act. The learned counsel has further submitted that from perusal of the medical report, it is not apparent that there was any sexual assault made on the informant and it has lastly been submitted that petitioner carries clean antecedent and he is in custody since 13.07.2024.

5. Learned counsel for the informant as well as the learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail and has drawn the attention of this Court towards the statement of the victim/informant which was recorded under Section 183 B.N.S.S. wherein she has described the incident and had alleged specifically against the petitioner who has forcibly entered into the house and committed rape upon the victim/informant.

6. Considering the aforesaid submissions made by the respective parties and taking into account the specific statement of the victim/informant as given under Section 183 of B.N.S.S., I am



not inclined to grant the petitioner privilege of regular bail.

7. Therefore, the prayer for bail is dismissed

(Sourendra Pandey, J)

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