

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6577 of 2025

Arising Out of PS. Case No.-58 Year-2024 Thana- MAINATAND District- West Champaran

Nitesh Kumar S/o Jamuna Mahto Resident Of Village- Puri Pakuhwa,
Mainatand, P.S.- Mainatand, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar Chaubey, Advocate

For the Opposite Party/s : Ms. Usha Kumari 1, APP

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

ORAL ORDER

6 22-07-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Mainatand P.S. Case No. 58 of 2024 instituted for the offences under Sections 448, 452, 376, 420, 504, 506, 511, 34 of the Indian Penal Code, Section 4 of the POCSO Act and Sections 3(1)(r)(5), 3(2)(v-a) of the SC/ST Act.

3. Allegation against the petitioner is of establishing physical relationship with the victim girl on the pretext of marriage.

4. Learned counsel for the petitioner submitted that petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submitted that general and



omnibus allegation has been made against this petitioner. No specific overt act is alleged against this petitioner. Learned counsel further submitted that, as a matter of fact, victim has herself disclosed that she has love affair with the petitioner and this petitioner never compelled her to establish physical relationship. Learned counsel further submitted that trial has already commenced and out of ten witnesses, three have already been examined. It has been submitted on behalf of the petitioner that the petitioner is in custody since 14.05.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel further submitted that victim is minor and her consent has no meaning in the eye of law. Learned APP for the State relied upon a decision of the Hon'ble Apex Court reported in **2024 SCC OnLine SC 3539 (X. vs. State of Rajasthan & Anr.)**, wherein in paragraph no. 14, the Hon'ble Apex Court has held as under:

“14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court, be it the Trial Court or the High Court



*should be loath in entertaining the bail application
of the accused.”*

6. Considering the aforesaid facts and circumstances
of the case as also the present stage of the trial, this Court is not
inclined to grant bail to the petitioner.

7. Accordingly, the prayer for grant of bail to the
petitioner is, hereby, rejected.

8. Learned Trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

Alok Verma/-

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