

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9892 of 2025

Arising Out of PS. Case No.-34 Year-2024 Thana- MAHILA P.S. District- Muzaffarpur

Dipak Kumar Son of Bhulan Pandit Resident of Village- Pokharaira, PS -
Kanti, District- Muzaffarpur

... .. Petitioner

Versus

1. The State of Bihar
2. Baby Devi Wife of Lakshmikant Mahto Resident of Village- Akurahan
Malikan, P.S.- Kanti, Distt.- Muzaffarpur

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dr. Bipin Chandra, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 23-07-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. Petitioner seeks bail in connection with Mahila

P.S. Case No. 34 of 2024 registered for the offences under

Sections 376, 354, 354A, 354B, 354C, 34 of the Indian

Penal Code, section 8, 12 of the POCSO Act and Section 66,

66C, 67, 67A, 67B of the I.T. Act.

3. The petitioner is named in the First Information

Report and is in custody since 13.09.2024.

4. Allegation against the petitioner is to commit rape

upon one of the daughter of the informant and also to outrage

modesty/non-penetrating sexual assault upon minor



daughter, who was aged about 17 years at the time of occurrence.

5. It is submitted by learned counsel appearing on behalf of the petitioner that present FIR was lodged on the basis of complaint case, exercising power under section 156(3) of the Cr.P.C. for the occurrence which was alleged to be committed between 15.08.2023 to 11.11.2023, where complaint in issue was lodged on 1st of March, 2024, with delay of about three months.

6. It is submitted that one of the victim was major at the time of occurrence, whereas her younger sister was about 17 years at the time of occurrence. From the medical report, nothing appears on its face which may corroborate the allegation. It is submitted that prior to the occurrence the victims were acquainted with the petitioner, who provided them loan on different occasions, total of Rs. 1,35,000/- for which an undertaking was given by both victims and her mother in writing on non-judicial stamp to return the same within six months and when demand was raised by petitioner, he was implicated with present case.



7. While concluding argument, it is submitted that investigation of this case is already completed and as such, there is no chance of tampering with the evidence. It is pointed out that the contents of pen drive not produced till now before the court and neither same was supplied to the petitioner in compliance of section 205 of the Cr.P.C.

8. Learned A.P.P. for the State duly assisted by learned counsel appearing for the informant, while opposing the prayer of bail of the petitioner, submitted that allegation of non-penetrative sexual assault is available against this petitioner and also to commit rape upon one of the major victim which appears duly supported by the statement of victims recorded under section 164 of the Cr.P.C., however, he could not disputed the undertaking as annexed with present petition as Annexure 'P/2' regarding advancing loan of Rs. 1,35,000/-.

9. In view of aforesaid factual submission and by taking note of the fact as allegation *prima facie* appears to raise in the background of monetary dispute related with return of Rs. 1,35,000/-, coupled with the fact that



investigation of this case is already completed, where petitioner is in custody since 13.09.2024, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge-POCSO-II, Muzaffarpur/concerned court, in connection with Mahila P.S. Case No. 34 of 2024, subject to the condition as laid down under Section 437 (3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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