

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12611 of 2025

Arising Out of PS. Case No.-131 Year-2024 Thana- KARTAHA District- Vaishali

Akhilesh Patel Son of Dilip Patel @ Jodhi Patel @ Dilip Mahto Resident of
Village - Kartahan, P.S. - Kartahan, District - Vaishali at Hajipur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Moni Devi W/O Sanjay Shah Resident of village and Post - Kartahan, P.S. -
Kartahan, Dist- Vaishali at Hajipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Navjot Yesu
For the State	:	Mr. Bhanu Pratap Singh
For the Informant	:	Mr. Prakash Chandra

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 09-05-2025 Heard Mr. Navjot Yesu, learned counsel for the

petitioner and Mr. Bhanu Pratap Singh, learned APP for the

State and Mr. Prakash Chandra, learned counsel for the

informant.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under Sections 64(1) and
351(1) of the BNS and Section 04 of the POCSO Act.

3. The case of the prosecution is that the petitioner has
committed rape with the minor daughter of the informant. It has
further been alleged that when the informant and her husband
were going to Police Station, one Mukesh Sah, who is the
husband of the Mukhiya, met them and told that there will be a



Panchayati and she will be given some cash but as they could conciliate the matter, this case was filed on 21.10.2024.

4. Learned counsel for the petitioner has submitted that from perusal of the FIR itself, it is clear that the occurrence is of 17.10.2024 and the FIR was lodged on 21.10.2024. There is a delay of 4 days in filing of the FIR. Regarding delay of FIR itself, it is stated that the villagers have assured them that some cash will be given by the accused.

5. During the course of investigation, the victim has given her statement under Section 183 of the BNS, where she has stated that the petitioner has committed rape with her on knife point. In the last part of her statement, she has stated that there was a Panchayati and Rs.75,000/- was assured but her mother has filed this case and this is the reason for delay. The statement of the victim also goes to show that she was aware that the FIR has been filed at a belated stage and she has also tried to explain the delay. The petitioner is in custody since 22.10.2024.

5. Learned counsel for the informant has vehemently opposed the prayer for bail and has submitted that the victim is minor and she has supported the case of the prosecution in her statement under Section 183 of the BNS but, in this case there is



a delay of 4 days and that has not been explained. The medical examination of the victim was also conducted. In the medical examination also, the Doctor has not found any remarkable thing which may suggest rape.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kartahan P.S. Case No.131 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-6th-cum Special Judge POCSO, Vaishali at Hajipur.

(Ashok Kumar Pandey, J)

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