

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14373 of 2025

Arising Out of PS. Case No.-211 Year-2024 Thana- BARGAINIA District- Sitamarhi

Ram Pravesh Paswan Son of Manoj Paswan Village- Bhakuahar, Ward No-. 21, P.S.- Bairganiya , District- Sitamarhi

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Radha Rani Devi Wife of Jitendra Sah Village- Bhakuahar, Ward No-. 22, P.S.- Bairganiya , District- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate

For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP

For the O.P. No.2 : Mr. Uday Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 02-09-2025 Heard Mr. Devendra Kumar, learned counsel appearing on behalf of the petitioner; Ms. Dr. Indihar Kumari, learned APP for the State and Mr. Uday Prasad Singh, learned counsel appearing on behalf of the O.P. No.2.

2. The petitioner seeks pre-arrest bail in connection with Bairganiya P.S. Case No. 211 of 2024 registered for the offence(s) punishable under Sections 191(2), 74, 75, 76, 77, 78, 118, 351(2), 3(5) of the BNS and Sections 8, 12, of the POCSO Act.

3. As per the allegation made in the FIR the petitioner



used to stalk the victim (minor daughter of the informant) while she used to go to school and on the date of alleged occurrence, he committed sexual wrong with her.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner has been implicated in a false case on the basis of false accusation. The alleged incident occurred on 21.08.2024 against which FIR was lodged on 29.08.2024. The statement of the victim was recorded under section 183 of the BNSS on 02.09.2024. Learned counsel further submitted that the statement of the victim recorded under section 183 BNSS, itself shows that the victim was tutored by the informant. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Mr. Uday Prasad Singh, learned counsel has tendered his appearance on behalf of the O.P. No.2 and has vehemently opposed the prayer for grant of pre-arrest bail. He submitted that the petitioner used to stalk the minor daughter of the informant (victim) with an intention to harass her and to do wrong with her. The petitioner used to follow the victim when she used to go to school and on the date of the alleged occurrence, he forcefully indulged in wrong act with her.

6. Learned APP for the State vehemently opposed the



prayer for grant of pre-arrest bail and also supported the prosecution.

7. Considering the rival submissions made on behalf of the parties, as well as, the nature of allegation made in the FIR and the petitioner, who is 21 years old, has just emerged as an adult, going through psychological, physiological, as well as, biological changes and infatuation and attraction for the opposite sex is natural and he may be unaware of the rigors of his wrong doing. Consideration in this regard can be made in light of the law laid down by the Madras High Court in the case of *Vijayalakshmi & Anr. vs. State Rep. by the Inspector of Police & Anr.* reported in (2021) SCC OnLine Mad 317. I find that there is delay in recording of statement of the victim under Section 183 of the BNSS and the chance of the victim having been tutored cannot be denied, however, considering the pleadings made in the bail application, no such defence has been taken by the petitioner, and, as such, the present bail application stands rejected with a liberty to the petitioner to surrender before the learned District Court.

8. In case, the petitioner surrenders before the learned District Court, then in that case, learned District Court shall pass a reasoned order, in accordance with law, on the basis of



materials available on record.

9. Accordingly, the present application stands dismissed.

(Purnendu Singh, J)

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