

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16188 of 2025

Arising Out of PS. Case No.-92 Year-2024 Thana- SANICHARI District- West Champaran

Chandan Mali S/O Krishna Mali R/O Vill.- Gora Belwa, P.S- Sanichari,
District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. X (Imaginary name of informant / Victim) D/O Surendra Hajra R/O Vill.-
Gora Belwa, P.S- Sanichari, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 13-05-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This is the first regular bail application of the petitioner seeking his regular bail in connection with Sanichari P.S. Case No. 92 of 2024 registered for the offence under Section 70(2) of the Bharatiya Nyaya Sanhita and Sections 4 and 6 of the POCSO Act (charge-sheet has been submitted U/s 126(2), 115(2), 352, 74 and 3(5) of BNS).

3. In this case, age of the victim girl is about 15 years. On 09.12.2024, she lodged a written complaint against the present applicant and co-accused persons alleging therein that on 05.12.2024 at 08:30 pm. all the accused persons were



committed gang rape with her. On the basis of said complaint, offence has been registered and during course of investigation, the present applicant has been arrested.

4. It is submitted by the learned counsel for the petitioner that petitioner is innocent and has falsely been implicated in the present case. FIR has been lodged after 4-5 days of the alleged incident. He further submits that in her statement recorded under Section 183 of BNS, the victim girl does not support the case of the prosecution. He lastly submits that the victim girl herself refused to her medical examination, therefore, there is no evidence available on record on the basis of which it can be said that the present applicant herein is committed crime in question. Petitioner is in custody since 10.12.2024, having no criminal antecedent. Therefore, on these grounds, it is prayed that the petitioner may be granted benefit of bail.

5. Learned counsel for the State opposes the arguments raised by the counsel for the petitioner.

6. Heard.

7. Perused the case diary and other materials available on record.

8. Considering the submissions made by the counsel



for the petitioner and further considering the statement of the victim girl recorded under Section 183 of BNS, I am of the view that it is a case where the petitioner should be granted benefit of bail.

9. Accordingly, the application is allowed.

10. The petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of District and Additional Sessions Judge-VI-cum-Special Judge, POCSO, Bettiah, West Champaran in connection with Sanichari P.S. Case No. 92 of 2024.

(Arvind Singh Chandel , J)

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