

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15690 of 2025

Arising Out of PS. Case No.-358 Year-2024 Thana- MOHANPUR District- Gaya

Bipul Kumar S/O Madan Prasad R/O Vill.- Chouari, P.S.- Mohanpur, Dist.- Gaya.

... .. Petitioner

Versus

1. The State of Bihar
2. X through Her Father kamlesh Das S/O-Gajlal das, Vill-Chauari, PS-Mohanpur, Dist- Gaya

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Pragya Sinha, Advocate

For the Opposite Party/s : Mr.navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 07-08-2025 Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with Mohanpur P.S. Case No. 358 of 2024 registered for the offences under Sections 126(2), 115(2), 76, 352, 351(2) of the Bhartiya Nyay Sanhita, 2023 and section 8, 12 of the POCSO Act and sections 3(i), (r), (w), 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The accused/petitioner is named in the First Information Report and is in custody since 05.12.2024.

4. Allegation against the petitioner is to commit



sexual assault upon the minor daughter of the informant aged about 17 years, who is a member of scheduled castes community. Occurrence alleged to be taken place while the daughter of the informant was going to High School for submitting her copy of practical examination.

5. It is submitted by learned counsel appearing on behalf of the petitioner that upon perusal of statement of the victim recorded under section 183 of the B.N.S.S., it transpires that it is maximum a case of unlawful confinement and verbal abuse. It is pointed out that from the statement of the victim, *prima facie* allegation of sexual assault not appears made out against the petitioner. It is also submitted that nothing transpires from the face of FIR and also from the statement of victim recorded under section 183 of the B.N.S.S. that the present occurrence took place out of atrocities as defined within the meaning of SC/ST (POA) Act, 1989, and, therefore, lodging of present FIR under SC/ST (POA) Act, is also appears bad in the eyes of law. It is pointed out that investigation of this case is already completed, charge-sheet has been submitted and, as such, there is no



chance of tampering with the evidence.

6. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

7. In view of the aforesaid factual submission as mentioned above and by taking note of statement of victim as recorded under section 183 of the B.N.S.S., coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 05.12.2024, 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 Additional Exclusive Special Judge POCSO – cum- Additional Sessions Judge – VII, Gaya, in connection with Mohanpur P.S. Case No. 358 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)

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