

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21200 of 2025

Arising Out of PS. Case No.-187 Year-2023 Thana- MATIHANI District- Begusarai

Binod Kumar Das @ Binod Das Son of Late Nageshwar Das @ Nageshwar Das Village -Shankarpur Bakhadda (Shankarpur Bakhra) PS- Matihani District -Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Maya Devi wife of Ramchandra Das Village -Shankarpur Bakhadda (Shankarpur Bakhra) Ward no. 12, PS- Matihani District -Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s	:	Mr. Ram Naresh Ray, APP
For the O.P. No.2	:	Mr. Shubhesh Pandey, Advocate
		Mr. Vinit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

- 3 20-08-2025 Heard Mr. Sandip Kumar Gautam, learned counsel appearing on behalf of the petitioner; Mr. Ram Naresh Ray, learned APP appearing on behalf of the State and Mr. Subhesh Pandey along with Mr. Vinit Kumar, learned counsels appearing on behalf of the Opposite Party No.2.

2. The petitioner apprehends his arrest in connection with Matihani P.S. Case No. 187 of 2023 registered under Sections 452, 323, 354B, 380, 34 of the Indian Penal Code, Sections 4, 8, 12 of the Protection of Children From Sexual Offences Act, 2012 and Section 75 of the Juvenile Justice (Care And Protection Of Children) Act.



3. As per the allegation made in the FIR, the petitioner has committed sexual wrong with the daughter of the complainant, who is 13 years old.

4. Learned counsel appearing on behalf of the petitioner submitted that before filing of the complaint against the petitioner and the other family members, the wife of the petitioner had lodged a complaint against the informant and family members of the informant, which was later on converted into FIR and the same case is still pending. Both the parties are close agnates. The alleged incidence took place on 23.10.2023 and after delay of 13 days the complaint was filed by the mother of the victim, which has been converted into FIR. The police has found the allegation against the petitioner and his family members to be false. He submitted that in course of investigation the witnesses has not supported the prosecution story and as such, the petitioner, who is aged about 48 years, has been made accused on the false accusation. Even maternal grandparents of the victim has not supported prosecution story, as it would appear from para-35 and 36 of the case diary. In view of the admitted position that victim, in her statement recorded under section 164 of the CrPC, supported allegation made in complaint against the petitioner, which is evident



from the order dated 12.12.2024, by which cognizance was taken against the petitioner. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submitted that the petitioner is a close relative of the complainant and he has committed sexual wrong with the 13 years old daughter of the complainant and the delay in lodging the complaint cannot absolve the petitioner from the offence, which has been committed by him.

6. Considering the rival submissions made on behalf the parties, as well as, having perused the allegation made in the complaint and the information recorded in the order dated 12.12.2024 passed by the learned Special Judge, POCSO Act (Annexure 3) that the victim has supported the prosecution story, I am not inclined to enlarge the petitioner on pre-arrest bail.

7. Accordingly, the present bail petition stands disposed of.

(Purnendu Singh, J)

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