

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21955 of 2025

Arising Out of PS. Case No.-218 Year-2024 Thana- BIHARIGANJ District- Madhepura

Sunil Kumar Thakur Son of Bhupendra Thakur Resident of Village
-Hathiyondha, Ward No 3, PS -Bihariganj, Dist- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rinku Kumari Daughter of Late Bechan Das village- Gopalpur, ps-
Udakishunganj, Dist- Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar No.6, Advocate
For the State	:	Mr. Harendra Prasad, APP
For the Informant	:	Mr. Arinjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

02. In the present case, the petitioner seeks bail in connection with Bihariganj P.S. Case No. 218 of 2024 registered for the alleged offences under Sections 147, 148, 354, 376(1), 366, 366(a), 504, 506 of the Indian Penal Code and Section 4 of the POCSO Act.

03. As per prosecution case, the petitioner giving inducement of marriage and better life to the minor daughter of the informant, established physical relationship with her and made videograph clip. The petitioner continued his nefarious activities and committed rape with the daughter of the informant



on a number of occasions. A *Panchayati* was also held but the petitioner did not refrain from his activities.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The FIR has been registered on the basis of complaint petition of the complainant/informant and the date of occurrence is stated to be 05.07.2022 but the complaint was filed on 06.12.2023 and there is no satisfactory explanation for the same. The FIR was lodged on 30.06.2024. These facts go on to show that the allegation against the petitioner has been made as afterthought. Learned counsel further submits that the informant, before the witnesses, made a statement which was recorded on a non-judicial stamp paper of Rs.100/-, that there had been monetary dispute between the petitioner and the informant and at the instance of one Santosh Singh, she had made the allegation against the petitioner and in future she would not make any such allegation. Learned counsel further submits that even in the complaint petition, first date of occurrence has not been mentioned and it is not believable that the occurrence continued for two years but the informant never approached the police or the court of law. Moreover, although the FIR was lodged on 30.06.2024, the statement of the victim



girl was recorded under Section 161 Cr.P.C. on 19.07.2024 and at that time, the victim refused to get her statement recorded under Section 164 Cr.P.C. and her statement under Section 164 Cr.P.C. was recorded on 04.10.2024. The victim refused to undergo medical examination. These facts show that the petitioner has been falsely implicated in this concocted case by the informant who is in habit of lodging such cases. Earlier the same informant lodged a complaint case on 06.08.2022 against one Nawal Kishore Jaiswal and consequent thereto Bihariganj P.S. Case No. 301 of 2022 was registered under Sections 370(A), 376, 354(B), 406 of IPC, but the informant compromised the said case after getting money. Learned counsel reiterates that the informant is in habit of lodging such cases in order to extort money from the persons. The petitioner is in custody since 18.10.2024 and charge-sheet has been submitted. The petitioner is having clean antecedent.

05. Learned APP for the State as well as learned counsel for the informant oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that due to pressure of the petitioner and other members of the society, the informant could not lodge the case earlier. Learned counsel further submits that it is clear from the FIR itself that



the daughter of the informant was minor and they are poor persons. There is specific allegation against the petitioner that he committed rape on a number of times with the minor daughter of the informant and therefore, the petitioner does not deserve bail.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation against the petitioner and further considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO Act), Madhepura/court concerned in connection with Bihariganj P.S. Case No. 218 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates



or in violation of the terms of the bail, the bail
bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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