

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21730 of 2025

Arising Out of PS. Case No.-707 Year-2024 Thana- HARSIDHI District- East Champaran

Karan Kumar, Son of Hiralal Mahto R/o Village- Dhankharaiya Babu Tola,
Sanaiyapar, P.S.- Harsidhi, District- East Champaran, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunila Devi Wife of Subhash Mahto Resident of Dhankharaiya, Babu Tola,
Ward No. 14, P.S.- Harsidhi, District- East Champaran (Bihar), Pin Code -
845422

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ritesh Kumar, Advocate. Mr. Shyam Sundar Kumar, Advocate.
For the State	:	Mrs. Renuka Ratnakar, APP.
For the Informant	:	Mr. Rahbar Haque, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 20-08-2025 Heard Mr. Ritesh Kumar, learned counsel along with

Mr. Shyam Sundar Kumar, learned counsel appearing on behalf
of the petitioner; Mrs. Renuka Ratnakar, learned APP for the
State and Mr. Rahbar Haque, learned counsel for the informant.

2. The petitioner seeks pre-arrest bail in connection
with Harsidhi P.S. Case No. 707 of 2024 registered for the
offence punishable under Sections 87, 140(1), 142 and 3(5) of
the BNS, 2023 and Sections 8 and 10 of the POCSO Act.

3. As per the allegation made in the F.I.R., petitioner
who is aged about 23 years and close relative of the informant
along with other co-accused had tried to do wrong with the



minor daughter of the informant.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is aged about 23 years and allegation against him is that he had caught hold the mouth of the victim. Though the victim has supported the allegation in her statement recorded under Section 183 BNSS, but she has not alleged anything with regard to physical assault or committing sexual wrong against her. He submitted that due to enmity, by hatching a false case the petitioner has been falsely implicated in the present case. Petitioner is the cousin brother of the victim. Petitioner has clean antecedent.

5. Mr. Rahbar Haque, learned counsel tendered his appearance on behalf of the informant and opposed the prayer for bail to the petitioner.

6. Learned APP for the State has also supported the argument advanced on behalf of the informant and submitted that petitioner is closely related with the victim. In view of the direct allegation made against him and supported by the victim in her statement recorded under Section 183 BNSS, petitioner don't deserve to be released on pre-arrest bail.

7. Having considered the rival submissions made on behalf of the parties and the allegation made in the F.I.R. against



the petitioner, it is admitted that the victim and the petitioner are cousin brother and sister, allegation is that the petitioner had put his hand on the mouth of the victim with an intention to kidnap her, however, there is no case of kidnapping, victim has returned back to her parents, in Para-16 of the bail application, the petitioner has given information that on the alleged date of lodging of the F.I.R., there was quarrel between the informant and the petitioner's mother, and as such, false implication cannot be denied. No allegation of either physical assault or sexual assault has been alleged against the petitioner. I find that the petitioner has, *prima facie*, made out a case to be released on bail.

8. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge cum Ex. Special Judge, POCSO Act, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 707 of 2024, subject to the condition as laid down under Section 438(2) Cr.P.C / 482(2) BNSS.

9. The District Court is directed to verify the criminal



antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

10. The bail application stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

U		T	
---	--	---	--

