

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26181 of 2025

Arising Out of PS. Case No.-887 Year-2024 Thana- SIKARPUR District- West Champaran

Chhotan Dikshit @ Mukesh Dikshit @ Madhukesh Dikshit Son of Late Ramji Dikshit Resident of Village- Chegauna, Ps- Sikarpur, District -WEST Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sikendra Mahto Son of Rameshwar Mahto Resident of Village- Chegauna, Ps- Sikarpur, District -West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate Mr. Ravi Ranjan Dixit, Advocate Ms. Surabhi Suman, Advocate Mr. Kumar Awnish Ankit, Advocate
For the Opposite Party/s	:	Mr. Anant Kumar 1, APP
For the O.P. No. 2	:	Mr. Rishabh Mishra, Advocate Mr. Shrinath, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-05-2025 Heard Mr. Y.C. Verma, learned senior counsel for the petitioner, Mr. Rishabh Mishra, learned counsel for the Opposite Party No. 2 and Mr. Anant Kumar 1, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Sikarpur P.S. Case No. 887 of 2024, F.I.R. dated 01.12.2024 for the offences punishable under Sections 61(2), 96, 137(2), 351(2) and 351(3) of the Bhartiya Nyaya Sanhita, 2023 and Section 4 of the POCSO Act.

3. According to prosecution case, co-accused Satyam



on pretext of making the inappropriate video of nephew of the informant viral, committed rape upon her and thereafter, with the help of other accused persons kidnapped her for the purpose of marriage.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. Although petitioner is named in the F.I.R, but from perusal of the F.I.R it appears that there is specific allegation against the co-accused, Satyam and the only allegation against this petitioner is that he was also involved in the present crime in question. He further submits that it transpired from the F.I.R that the date of occurrence is 29.10.2024 and the victim came back on 02.11.2024. Thereafter, on 23.11.2024 a complaint was instituted based on which the present F.I.R has been instituted on 01.12.2024 which suggest that the date of occurrence is 29.10.2024 but the present F.I.R has been instituted on 01.12.2024 i.e., after delay of more than one month. Before lodging the present complaint/F.I.R, the complainant has not instituted any complaint before the authority concerned or before the competent court of law. Although the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. / Section 183 of the BNSS in which she has



categorically stated that the co-accused, namely, Satyam has committed rape upon her and apart from that she has stated that the petitioner and Vikesh Kumar @ Vikash Kumar Sah @ Vikash Kumar and Sonu Kumar helped the co-accused Satyam in the present crime in question. He further submits that although the petitioner is named in the F.I.R and the similarly situated co-accused persons, namely, Vikesh Kumar @ Vikash Kumar Sah @ Vikash Kumar and Sonu Kumar against whom there is similar allegation that they have also helped the co-accused Satyam have been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 15.05.2025 passed in Cr. Misc. No. 18416 of 2025.

5. The learned counsel for the Opposite Party No. 2 as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R and apart from that the victim has stated the name of the petitioner in her statement recorded under Section 164 of the Cr.P.C. / Section 183 of the BNSS and apart from that the petitioner carries six criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the six cases.



6. Considering the aforesaid facts and circumstances that the victim has not stated anything with regard to the sexual assault against this petitioner and the similarly situated co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Additional District & Sessions Judge VII cum Special Judge POCSO, Bettiah, West Champaran in connection with Sikarpur P.S. Case No. 887 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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