

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25840 of 2025

Arising Out of PS. Case No.-722 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Bipin Ram @ Bipin Kumar Ram, Son of Mantu Ram @ Pintu Ram, R/o
village- Nariyar Ram tola ward no. 2 P.S. -Saharsa Sadar, District -Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rajima Khatun, Wife of Md. Rafique R/o Mohalla- Kahra Kutti, P.S.-
Saharsa, Dist- Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 06-08-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Saharsa

Sadar P.S. Case No. 722 of 2024, registered for the offence under

Sections 137(2), 96 of BNS.

3. The accused/petitioner is named in the F.I.R. and is

in custody since 18.02.2025.

4. Allegation against the petitioner is to kidnap the

minor daughter of the informant, aged about 16-17 years and to

commit rape/penetrative sexual assault upon her.

5. Notice as issued to opposite party no. 2 by this Court

was refused to receive by opposite party no. 2, as per the

endorsement of the envelop. Upon refusal, notice deemed to be



served validly upon opposite party no. 2.

6. Learned Counsel appearing on behalf of the petitioner submitted that if the statement of the victim as recorded under Section 180 of the BNSS be taken into consideration, which is the part of para-78 of the case diary, it appears that initially she was in love with the petitioner but subsequently, she developed relation with one Lalan Kumar Thakur, with whom she was living and from his house only, the victim was recovered by the police. It is pointed out that as a matter of an afterthought and improvement, while recording her statement under Section 183 of BNSS, she stated that the petitioner established physical relation with her under a false promise of marriage alongwith one co-accused Mithun Ram. It is submitted that in fact as per the statement recorded under Section 180 of BNSS, the victim persuaded petitioner to run away but this petitioner asked the victim to return home and instead of that she went alongwith co-accused Lalan Kumar Thakur. It is submitted that victim refused to join the medical examination. While concluding the argument, it is submitted that the investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposed the prayer of bail.



8. Considering the aforesaid facts and circumstances and by taking note of statement of victim as recorded under Section 180 of BNSS and 183 of BNSS, which appears *prima facie* contradictory, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 18.02.2025, accordingly, petitioner above named, is directed to be released on bail in connection with Saharsa Sadar P.S. Case No. 722 of 2024, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO, Saharsa/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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