

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28922 of 2025

Arising Out of PS. Case No.-416 Year-2024 Thana- OBRA District- Aurangabad

Santosh Baitha S/O Chaneshwar Baitha @ Chandeshwar Baitha R/O Vill.-
Bara Devchand, P.S.- Obra, Dist.- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sujata Devi W/O Munna Singh R/O Vill.- Bara Devchand, P.S.- Obra, Dist.-
Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Shilpi Keshri, Advocate
	:	Ms. Surbhi Verma, Advocate
	:	Mr. Santosh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Abhay Kumar Roy, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 06-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Obra
P.S. Case No. 416 of 2024 instituted for the offences under
Sections 352, 351(2), 329(4), 76 of the Bharatiya Nyaya
Sanhita, 2023 and Sections 8/12 of the POCSO Act.

3. Prosecution case, in short, is that on 19.09.2024,
taking advantage of a power outage at the informant's residence,
the petitioner entered the house on the pretext of restoring
electricity and thereafter, committed sexual misconduct with the
informant's daughter.



4. Learned counsel for the petitioner submitted that the petitioner is innocent and has falsely been implicated in the present case. Learned counsel further submitted that petitioner and informant are co-villagers. Learned counsel further submitted that there is a delay of about seven days in lodging the FIR without any plausible explanation, which in itself, raises doubt over the prosecution story. Learned counsel further submitted that, as a matter of fact, co-accused Uday Baitha threatened the victim to make her photo viral. She further contended that victim has also refused to undergo medical examination. There is case and counter-case between the parties. It has been submitted on behalf of the petitioner that the petitioner is in custody since 21.03.2025 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Obra P.S. Case No. 416 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) 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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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

