

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28457 of 2025

Arising Out of PS. Case No.-658 Year-2024 Thana- MUFFASIL District- West Champaran

Raja Babu @ Raja Babu Kumar, aged about 19 years, Male, S/o Naresh Mahato, R/o Village- Pandey Tola, Ward No. 11, P.S.- Bettiah (Muffasil), District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. X D/o Kishore Mahato (Symbolic name of the informant/Victim), R/o Village- Pandey Tola, Ward No. 11, P.S.- Bettiah (Muffasil), District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the Informant	:	Mr. Vikash Kumar Shukla, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 06-08-2025 Heard Mr. Bimlesh Kumar Pandey, learned counsel appearing on behalf of the petitioner; Mr. Vikash Kumar Shukla, learned counsel for the informant and Mr. Yogendra Kumar, learned APP for the State.

2. Petitioner seeks regular bail in connection with Bettiah (Muffasil) P.S. Case No. 658 of 2024 registered for offences punishable under Sections 65(1), 329(4), 352, 351(2), 3(5) of B.N.S. and Section 4 of the POCSO Act.

3. As per the allegation made in the FIR, petitioner had forcibly established physical relationship with the victim.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Both petitioner and victim, who are aged about 19 years and 15 years respectively, were in love relationship. Though, the victim in her statement recorded under Section 183 of the Bharatiya Nagrik Suraksha Sanhita (B.N.S.S.) has supported the prosecution story but she, in her statement recorded in course of trial, has not supported the prosecution story and the allegation made in the FIR. Petitioner has clean antecedent and he is in custody since 10.12.2024. On these grounds, petitioner seeks to be released on bail.

5. Learned counsel appearing on behalf of the informant and learned A.P.P., for the State have vehemently opposed the prayer for grant of bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that Both petitioner and victim, who are aged about 19 years and 15 years respectively, were in love relationship. Though, the victim in her statement recorded under Section 183 of the Bharatiya Nagrik Suraksha Sanhita (B.N.S.S.) has supported the prosecution story but she, in her statement recorded in course of trial, has not supported the prosecution story and the allegation made in the FIR. Petitioner has clean antecedent and he is in custody since



10.12.2024. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on bail.

6. The learned District Court is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO cum ADJ 6th, Bettiah, West Champaran, in connection with Bettiah (Muffasil) P.S. Case No. 658 of 2024 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is



pending against the petitioner as what has been stated in
paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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