

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29272 of 2025**

Arising Out of PS. Case No.-123 Year-2024 Thana- BEN P.S. District- Nalanda

Upendra Singh Son of Late Ramcharitra Singh Resident of Village -  
Joghabigha, P.S.- Ben, District - Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Daughter of Siyaram Prasad Resident of Village - Joghabigha, P.S.- Ben,  
District - Nalanda

... .. Opposite Party/s

**Appearance :**

|                          |   |                          |
|--------------------------|---|--------------------------|
| For the Petitioner/s     | : | Mr. Ravi Bhardwaj, Adv.  |
| For the Opposite Party/s | : | Mr. Umesh Lal Verma, APP |
| For the O.P. No.2        | : | Mr. Deepak Kumar, Adv.   |
|                          |   | Mr. Magan Kumar, Adv.    |

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

ORAL ORDER

4      26-09-2025                      Heard learned counsel for the petitioner and learned  
  
APP for the State as also learned counsel for the O.P. No.2.  
  
Perused the case diary.

2. The petitioner apprehends his arrest in connection  
  
with POCSO Case No. 147 of 2024, arising out of Ben P.S.  
  
Case No. 123 of 2024 instituted for the offence under  
  
Sections 376, 313, 504, 506/34 of the Indian Penal Code and  
  
Sections 4/6 of the POCSO Act..

3. As per prosecution case, the petitioner's son  
  
namely Dablu Kumar has sexually assaulted the victim  
  
girl/informant and forced her to undergo abortion.



4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and his name has transpired in this case in course of investigation. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The specific allegation of committing sexual assault is upon the co-accused Dablu Kumar. Learned counsel for the petitioner mainly submits that there is delay of 5 years and 2 months in lodging the FIR. Both the parties are own *gotiyas* and their houses are in a very close proximity and, therefore, there is no reason as to why such an incident will go unnoticed. There is also no medical report confirming the allegations made in the F.I.R. It is next submitted that marriage of the sister of the victim took place in 2023, and for the same financial help of two lakhs rupees was extended by the petitioner's father with a promise to return the same but on persistent demands the same was not being returned, which is the prime reason for the implication of the petitioner. In course of investigation, nothing adverse has come against



the petitioner. It has been submitted on behalf of the petitioner that the petitioner has no criminal antecedent. Learned counsel for the petitioner further submits that the co-accused Dablu Kumar @ Shambhu Kumar has already been granted bail by this Court vide order dated 10.04.2025 passed in Cr. Misc. No. 2572 of 2025.

5. Learned counsel for the petitioner has filed supplementary affidavit stating therein that the petitioner was not sent up for trial after submission of the charge-sheet. However, the learned court below took cognizance against the petitioner and cognizance was taken under Sections 376, 504, 506/34 of the I.P.C. and Section 4/6 of the POCSO Act vide order dated 17.01.2025.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The victim is minor.

7. Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest/surrender before the learned Court below



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with POCSO Case No. 147 of 2024, arising out of Ben P.S. Case No. 123 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

(Rudra Prakash Mishra, J)

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