

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33964 of 2025

Arising Out of PS. Case No.-116 Year-2024 Thana- BALIA BELON District- Katihar

Chandan Kumar Ray @ Chandan Ray@Chandan Kumar Son of Late Suresh Ray Resident of Basantpur, P.O.- Sudhani, P.S.- Barsoi, District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manju Devi Wife of Mahadev Rai Resident of Village - Kori Bishanpur, P.S.- Balia Belon, District - Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Krishna
For the Opposite Party/s : Mr. Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-09-2025 Heard the parties.

2. The petitioner seeks bail in connection with Balia Belon P.S. Case No. 116 of 2024 registered for the offence under Sections 351(2), 351(3) and Section 4 of POCSO Act.

3. The petitioner is named in the F.I.R. and is in custody since 27.01.2025.

4. As per FIR, allegation against petitioner and other named co-accused person is to commit rape/ penetrative sexual assault upon minor daughter of informant aged about 12 years. It transpires from FIR,



that petitioner is brother-in-law of the informant whereas other co-accused namely, Mahadeo Ray is the step-father of the victim.

5. Learned counsel appearing on behalf of the petitioner submitted that the informant married third time with co-accused namely, Mahadeo Ray @ Mahadeo and this petitioner implicated only for the reason that he is brother-in-law of co-accused Mahadeo Ray. It is submitted that allegation is limited against this petitioner as to threaten the victim showing knife, while co-accused Mahadeo Ray was committing rape upon her in an isolated place, while returning from home of relative. It is submitted that the main co-accused who alleged to commit rape was granted bail by learned Co-ordinate Bench of this Court through Cr. Misc. No. 28348 of 2025 vide order dated 07.05.2025, and therefore, on the ground of parity this petitioner deserves bail. It is pointed out that petitioner is in custody for about 8 months, still the trial is pending for examination of prosecution



witnesses, therefore, trial is not likely to be conclude within preferred timeline of 1 year as provisioned under Section 35(2) of POCSO Act. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by Mr. Sudhanshu Ranjan learned counsel for the informant while opposing the prayer of bail submitted that main co-accused Mahadeo Ray was granted bail without hearing the informant and therefore, the informant is in process to file cancellation of bail as granted to main co-accused as discussed aforesaid. It is submitted that allegation of committing rape is available against co-accused namely, Mahadeo Ray however he could not disputed factual submission as advanced by learned counsel for the petitioner.



7. Considering aforesaid fact and circumstances and by taking note of fact as allegation of rape is not available against this petitioner, coupled with fact that investigation of this case already completed where petitioner remains in custody since 27.01.2025, accordingly petitioner above named, is directed to be released on bail in connection with Balia Belon P.S. Case No. 116 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 District and Addl. Sessions Judge VII cum Special Judge (POCSO), Katihar /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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