

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34167 of 2025

Arising Out of PS. Case No.-476 Year-2023 Thana- GHOSI District- Jehanabad

Subodh Kumar S/O Upendra Raut R/O Mohalla- Nandana, P.s.- Ghoshi,
Dist.- Jahanabad.

... .. Petitioner

Versus

1. The State of Bihar
2. Jagdish Kumar S/O Jayram Raut R/O Mohalla- Nandana, P.s.- Ghoshi, Dist.- Jahanabad.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Amit Anand, Advocate
For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 19-09-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with

Ghoshi P.S. Case No. 476 of 2023 registered for the offences

under Sections 452, 323, 376, 504, 506 read with section 34 of

the Indian Penal Code and section 4 of the Protection of

Children from Sexual Offences Act (in short the “POCSO Act”).

3. The accused/petitioner is named in the First

Information Report and is in custody since 05.02.2025.

4. Allegation against the petitioner is to commit

penetrative sexual assault/rape upon minor daughter of the

informant aged about 8 years while she was alone at her home.

5. It is submitted by learned counsel appearing on



behalf of the petitioner that out of neighbourhood dispute and differences as the parties are agnate, the present false case was lodged. It is pointed out that same can be gathered from the fact that FIR was lodged with a delay of 48 hours.

6. It is further submitted that upon radiological examination, the victim was found between the age group of 16 to 17 years, which further falsified the case of informant *qua* age of victim.

7. It is submitted that victim refused to join for detail medical examination as the allegation was false against the petitioner. Arguing further, it is submitted that the issues and differences as surfaced between the parties being agnate also appears compromised and, therefore, realizing the mistake, the informant and victim retracted from their earlier statement *qua* occurrence and not supported the case of the prosecution while examining before the learned trial court. It is submitted that in this case informant and victim both were examined. Petitioner claimed clean antecedent.

8. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

9. Mr. Puskar Prashant, learned counsel while



appearing on behalf of the informant, approved the factum of compromise between the parties.

10. In view of aforesaid submission and by taking note of the fact as retracted version of victim and informant *prima facie* makes the occurrence doubtful, coupled with the fact that petitioner, who is a man of clean antecedent, remains in custody since 05.02.2025, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-VI-cum-Special Judge, POCSO, Jehanabad/concerned court, in connection with Ghoshi P.S. Case No. 476 of 2023, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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