

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34303 of 2025

Arising Out of PS. Case No.-44 Year-2025 Thana- BALIYA District- Begusarai

Prince Kumar Pramod Kumar @ Pramod Mahto R/O Village Kamalpur,
House No 36, PS- Ballia(Baliya), District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hemlata Kumari D/O Bhushan Mahto R/O Village Kamalpur, PS-
Ballia(Baliya), District- Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 15-09-2025 Heard Mr. Sandip Kumar Gautam, learned counsel

appearing on behalf of the petitioner and Mr. Syed Mojibur

Rahman, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Ballia (Baliya) P.S. Case No. 44 of 2025 registered under
Sections 65(1), 3(5) of the BNS and Sections 8, 4 of the
Protection of Children From Sexual Offences Act.

3. As per the allegation made in the FIR, the accused
persons along with one Prince Kumar son of Chandra Kishore
Singh assaulted and committed sexual wrong with the minor
victim, who is also the informant.

4. Learned counsel appearing on behalf of the



petitioner submitted that the petitioner's name is also Prince Kumar but his father's name is Pramod Kumar @ Pramod Mahto, who is not related with the alleged offence in any manner. The allegation against the petitioner is that he was only present outside the room where the alleged offence was committed with the informant/victim by the another Prince Kumar whose father's name is Chandra Kishore Singh, who is also the victim's own cousin brother. He further submitted that the victim in her statement recorded under Section 183 of the BNSS has nowhere alleged sexual assault done by the petitioner nor she has alleged that the petitioner has participated in the alleged offence along with the another Prince Kumar (son of Chandra Kishore Singh). On these grounds, the petitioner, who is aged about 23 years, seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submitted that the victim was minor and she was lured by the accused persons including the petitioner and the petitioner was standing outside the room, where the alleged incidence took place by the another Prince Kumar (son of Chandra Kishore Singh) and as such, complicity of the petitioner cannot be denied.

6. Having considered the rival submissions made on



behalf of the parties, as well as, the allegation made in the FIR and the material collected in course of investigation in which it has come that the victim has made direct allegation against one Prince Kumar, whose father's name is Chandra Kishore Singh and he is victim's own cousin brother. The informant, in her statement recorded in Section 183 of the BNSS, has nowhere alleged that the petitioner has committed any sexual wrong with her or touched on any part of her body in a manner to attract the provisions of POSCO Act, I am of the opinion that the petitioner, who is aged about 23 years, has, *prima facie*, made out a case to be released on anticipatory bail.

7. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned District Additional Sessions Judge-cum-Special Judge, POCSO Act, Begusarai in connection with Ballia (Baliya) P.S. Case No. 44 of 2025, subject to the condition as laid down under Section 482 of the BNSS.

8. 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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