

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36268 of 2025

Arising Out of PS. Case No.-247 Year-2024 Thana- NIMCHAKBATHANI District- Gaya

Rahul Kumar S/o Sudhir Kumar R/o Village- Dharambigha, P.S.-Nimchak,
Bathani, Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Siya Kumari D/o- Vijendra Prasad, R/o- Village- Dharam Bigha, P.S.-
Nimchak Bathani, Dist.- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar, Adv.

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

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

ORAL ORDER

6 23-09-2025 Heard learned counsel for the petitioner and learned
APP for the State. No one appears on behalf of the O.P. No.2
Perused the case diary.

2. The petitioner seeks bail in connection with
Nimchak Bathani P.S. Case No. 247 of 2024 instituted for the
offences under Sections 126(2), 115(2), 110, 303(2), 352, 351(2)
(3), 3/(5) of the B.N.S., 2023 and Sections 8 & 12 of the
POCSO Act.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of attempting to
outrage the modesty of the informant. It is also alleged that the
accused persons also assaulted the informant's cousin and



snatched gold ornaments and cash.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to village politics. 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 touching the informant's body is upon the co-accused Uttam Kumar. From perusal of the injury report, it appears that the injury sustained by the injured is simple in nature. The petitioner has two criminal antecedents and is languishing in judicial custody since 22.02.2025 without any rhyme or reason. Charge-sheet has been submitted in this case.

5. On the other hand, 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 Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner for offence under Sections 126(2), 115(2), 110, 303(2), 352, 351(2) (3), 3/(5) of the B.N.S., 2023.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case,



the period of custody of the petitioner as also there being no specific allegation against the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Nimchak Bathani P.S. Case No. 247 of 2024.

(Rudra Prakash Mishra, J)

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