

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36986 of 2025

Arising Out of PS. Case No.-13 Year-2025 Thana- MAHILA PS District- East Champaran

NIPU PANDIT @ SHASHIKANT KUMAR S/O BABULAL PANDIT R/o
vill - Puran Chhapra, P.S.- Chakia, Distt.- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Victim X D/o Dinanath Ram R/o Vill - Puran Chhapra, P.s.- Chakia, Distt.- East Champran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Kumar Tiwari, Advocate Mr. Akshay Tripathi, Advocate
For the State	:	Mr. Jagdhar Prasad, A.P.P
For the Informant	:	Mr. Ajay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-08-2025 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in connection with Mahila P.S. Case No. 13 of 2025 lodged on 24.02.2025, for the offence punishable under Sections 68 & 89 of the Bharatiya Nyaya Sanhita, 2023 read with sections 4 & 6 of the POCSO Act.

3. As per the prosecution, FIR has been lodged against the sole petitioner. Prosecution case, in brief, is that informant, aged about 19 years had in the month of August, 2024 started the work of house-keeping in petitioner's house & in the same month, accused-petitioner Nipu Pandit after finding her alone in



his house, raped her. Further, allegation against accused-petitioner is that he threatened to kill her, if she disclosed the occurrence to anyone. Thereafter, in the month of February, 2025, informant experienced pain in her abdomen and then she discovered that she was pregnant and thereafter, she disclosed it to the accused-petitioner who took her to a hospital where she was given an injection whereafter, she became unconscious. She noticed stitches on her body after she gained consciousness & by that time, accused-petitioner had run away from the hospital. After some time, informant's family arrived in the hospital and they brought her back to her house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that from bare reading of the FIR, it become crystal clear that on the date of occurrence, the informant herself admits that she is about 19 years old and that the occurrence took place in the month of August 2024; however, she did not disclose anything to anyone at that time and on 07.02.2025, when she came to know about the fact that she is pregnant, then she has contacted the petitioner. Counsel submits that it is highly improbable that a woman would become aware of her pregnancy only after six months. Counsel submits that the



petitioner and the informant are adjacent neighbours and both the families are well known to each other. Counsel submits that the petitioner is a married man having two children who are aged about 10 years and 8 years respectively. Counsel submits that the informant was well aware about the fact that the petitioner is a married man having two children and even then, as per the allegation, the physical relation has been developed between them without any question of marriage. Counsel further submits that the petitioner is in custody since 25.02.2025, having clean antecedent.

5. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner has developed physical relation with the informant on the pretext of marriage. Counsel submits that the police has intentionally not added section 312 and 313 of the I.P.C in this case. Counsel submits that the petitioner is alleged to be responsible for committing rape as well as for causing an abortion without consent.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that on the date of occurrence, informant was aged about 19 years and since, both are neighbours, so definitely their families are well known to each



other. Counsel further submits that on previous occasion, case diary as well as statement of the victim under section 183 of the B.N.S.S has been called for and as per statement under section 183 of the B.N.S.S, it has been stated that the petitioner has forcefully developed the physical relation and threatened to kill and disclosed that the abortion has been done. The allegation of not entering into marriage is also there.

7. In light of the submissions made, particularly the specific assertion that the petitioner is a married man having two children and that both parties are adjacent neighbours, let the petitioner above named be granted bail, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of 7th District & Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari in connection with Mahila P.S. Case No. 13 of 2025, subject to the conditions as laid down U/s 480(3) of the B.N.S.S., 2023.

(Dr. Anshuman, J)

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