

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36883 of 2025

Arising Out of PS. Case No.-69 Year-2025 Thana- GAURICHAK District- Patna

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Himanshu Kumar S/o Late Parmeshwar Prasad @ Ramanand Yadav R/o
Village- Kajibigha, P.S.- Gaurichak, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sheela Devi W/o Nabal Paswan R/o Village- Kajibigha, P.S.- Gaurichak,
District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Balwant Kumar, Adv.
For the Opposite Party/s : Mrs.Usha Kumari 1, APP

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

ORAL ORDER

5 01-09-2025 Heard learned counsel for the petitioner and learned

APP for the State. In spite of valid service of notice upon the

O.P. No.2, no one has appeared on her behalf. Perused the case

diary.

2. The petitioner seeks bail in connection with

Gaurichak P.S. Case No. 69 of 2025 instituted for the offences

under Sections 76 of the Bhartiya Nyaya Sanhita, 2023 and

Sections 3(2)(va) of the SC/ST Act and Sections 8/12 of the

POCSO Act.

3. As per prosecution case, the accused persons

including the petitioner caught hold the Informant's minor

daughter, closed her mouth, took her to the field and tried to do



wrong with her.

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 on account of previous enmity as well as village politics. There is no eye-witness to the alleged occurrence. Learned counsel for the petitioner further submits that the petitioner has not taken the caste name in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The petitioner has no intention to disgrace the image of the informant party in public view. The victim girl has refused for the medical examination. The petitioner has no criminal antecedent and is languishing in judicial custody since 29.03.2025 without any rhymes or reason. Charge-sheet has been submitted against the petitioner 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.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, 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 Gaurichak P.S. Case No. 69 of 2025, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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