

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38714 of 2025

Arising Out of PS. Case No.-16 Year-2025 Thana- MAHILA P.S. District- Madhubani

Vivek Kumar Ray S/O Uma Kant Ray Resident of village- Gandhrain, PS-
Ruddrapur, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shanichari Devi W/o Lal Babu Ray R/o Village-Gandhrain, P.S.-Ruddrapur,
District- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP
For the Informant	:	Mr. Ratnakar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

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

2. The petitioner seeks bail in connection with
Madhubani Mahila P.S. Case No. 16 of 2025, instituted for the
offences under Sections 126(2), 115(2), 64, 351 (2) (3) of the
B.N.S.S. and under Section 4 of the POCSO Act.

3. As per the prosecution case, the informant has
alleged that her minor daughter came in contact with the
petitioner, who lured her into making sexual relationship on the
pretext of marriage. Subsequently, a Panchayati was also held
where the petitioner assaulted the informant and her son on
28.03.2025.



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated and merely because the petitioner was being forced to marry the daughter of the informant, the present case has been lodged. It has further been submitted that though the daughter of the informant has stated that she was having a relationship with the petitioner for the last six months but prior to the present case no such allegation was levelled against the petitioner and only when the marriage did not materialized, the present case has been lodged.

5. It has next been submitted that from the perusal of the medical board observation as well as school certificate, it appears that the informant was more than 17 years of age and there is no medical evidence to support the allegation of sexual assault on the daughter of the informant.

6. It has lastly been submitted that the petitioner has clean antecedent and he is in custody since 29.03.2025.

7. Learned counsel appearing on behalf of the informant as well as the learned APP have vehemently opposed the prayer for bail and have stated that the petitioner had misused the relationship with the informant's daughter and had made sexual relationship with her on the false pretext of marriage and thereafter had backtracked.



8. It is next submitted by the learned counsel for the informant that the girl, in her statement, has also stated that she was lured by the petitioner on the pretext of marriage and they have made physical relationship four to five times prior to the incident.

9. Considering the aforesaid submissions made by the parties and taking into account that the allegations have been levelled against the petitioner subsequently, as an afterthought, when the petitioner is said to have denied the marriage with the informant, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Spl. Judge (POCSO Act), Madhubani in connection with Madhubani Mahila P.S. Case No. 16 of 2025, subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner;

(ii) the petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court;

(iii) in case of absence on two consecutive dates or in



violation of the terms of the bail, the bail bonds of the petitioner will liable to be cancelled by the Court concerned;

(iv) the Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of the same on in the name of verification;

(v) the petitioner shall not approach the informant or any of the family members of the victim girl, to either coerce or threaten, during the pendency of the trial; and

(vi) the petitioner should refrain interaction with the victim girl or the prosecution side.

10. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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