

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38782 of 2025

Arising Out of PS. Case No.-158 Year-2025 Thana- PAHARPUR District- East Champaran

Rajan Prasad S/O Nandkishore Prasad @ Nand Kishor Prasad R/O Vill.-
Nonaya Mahto Tola, P.s.- Paharpur, Dist.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajesh Prasad S/O Jagannath Prasad R/O Vill.- Nonaya Kachahari Tola, P.s.-
Paharpur, Dist.- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

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

2. The petitioner seeks bail in connection with
Paharpur P.S. Case No. 158 of 2025, instituted for the offences
under Sections 137(2), 76, 3(5) of the Bharatiya Nyaya Sanhita,
2023 and Section 8 of the POCSO Act.

3. As per the prosecution case, the accused persons
including the petitioner gagged the daughter of the informant
and took her away on bike while she was administering
medicines to the mother of the informant. On 31.03.2025 the
informant found his daughter near the Noneya Middle School.
The daughter of the informant disclosed that the petitioner



molested her and dropped at the said place.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. The occurrence took place on 30.03.2025 and the FIR was lodged on 01.04.2025 without explaining the reason for delay. The victim has not produced the torn clothes to corroborate the allegation.

5. It has further been submitted that the statement recorded under Section 183 of the BNSS is not corroborative to the FIR. The victim has also denied for the medical examination. Lastly, it has been submitted that the petitioner has no criminal antecedent and he is in custody since 02.04.2025.

6. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that from perusal of the FIR it is evident that the petitioner was involved in taking away the victim on a bike.

7. Considering the aforesaid submissions on behalf of the petitioner and taking into account the facts and circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 6th District & Addl. Sessions Judge-cum-Exclusive Special Judge, POCSO Act, East



Champaran, Motihari, in Paharpur P.S. Case No. 158 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.

8. 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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