

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40995 of 2025

Arising Out of PS. Case No.-977 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Ankush Kumar Son of Late Anil Sah Resident of Village- Kahra Kuti Ward
No. 6/11, P.S.- Saharsa, Distt.- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. X D/O- Nazim Resident of Mohalla- Kahra Kuti Ward No. 6/11, P.S.-
Saharsa, Distt.- Saharsa

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 43098 of 2025

Arising Out of PS. Case No.-977 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Bittu Kumar S/o Govind Das R/o Village- Kahra Kutti, Ward No. 06/11, P.S.-
Saharsa, District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. X D/o Nazeem R/o Village- Kahra Kutti, Ward No. 06/41, P.S.- Saharsa,
District- Saharsa

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 40995 of 2025)

For the Petitioner/s : Mr. Chandra Mohan Jha, Adv.

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

(In CRIMINAL MISCELLANEOUS No. 43098 of 2025)

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for bail in connection
with Special POCSO Case No. 3 of 2025 arising out of Saharsa
Sadar P.S. Case No. 977 of 2024 registered for the offence
punishable under Section 70(1) of the B.N.S. and Section 4 and 6
of the POCSO Act.

3. The case of the prosecution is that the victim aged



about 14 years has gone to graze her goats and as she was returning, two persons on a four wheeler called her. Bittu Kumar and Ankush Kumar boarded her forcefully on the four wheeler, took her to Baba Kuti and on gun-point, committed rape with her.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have been falsely implicated in this case. He also submits that in this case, during the course of trial, victim has given her deposition which is annexed at page-15 and from perusal of her evidence, it will transpire that in para-5 of her examination-in-chief, she has stated that she did not identify any of the accused persons and that they have not committed any offence with her. He further submits that in this case, the medical examination of the victim was conducted on same day and the doctor has opined that no any recent sign of sexual intercourse at the time of examination was found. It has further been opined by the doctor that no any visible external injuries present over any part of the body including private parts. Learned counsel for the petitioner has submitted that the victim herself has not supported the case of the prosecution and medical evidence also does not support the case of the prosecution. The trial is at its fag end. One FSL report has been brought on record by the prosecution and for that, the defence has filed a petition to get the *FSL* expert



examined. Petitioner namely, Ankush Kumar is languishing in judicial custody since 18.09.2024 whereas the petitioner namely, Bittu Kumar is in custody since 19.09.2024.

5. The application for bail is opposed by learned APP for the State and has submitted that from perusal of the last part of the order of the trial court, it will transpire that the DNA of Ankush Kumar matches. He also submits that the petitioner namely, Ankush Kumar has criminal antecedents of three cases whereas, petitioner namely, Bittu has no criminal antecedent.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, POCSO Act, Saharsa in connection with Special POCSO Case No. 03 of 2025 arising out of Saharsa Sadar P.S. Case No. 977 of 2024.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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