

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45922 of 2025

Arising Out of PS. Case No.-7 Year-2025 Thana- MAHILA PS District- Katihar

Rohit Malakar S/O Bhuneshwar Malakar R/O Maheshpur Seez No. 8, P.S.-
Manihari, Dist.- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Poonam Devi W/o Naresh Mandal R/o Village- Maheshpur,m Seez No.8,
P.S. Manihari, District- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Gupta
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 24-12-2025 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Mahila P.S. Case No. 07 of 2025, registered for the offences
punishable under Section 76 of BNS & 4 of POCSO Act.

3. According to the allegation, the petitioner and co-
accused Nripesh Malakar attempted to commit rape upon the
victim, who is aged about 13 years.

4. The learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated. Co-
accused Nripesh Malakar has been granted bail. She has submitted
further that the FIR was lodged after 32 days of the occurrence and
there is no explanation for the delay. She has also submitted that



there was money dispute between the petitioner and the informant, due to which the informant committed murder of the petitioner’s wife and in this respect, an informatory petition has been lodged by the petitioner in the court of the CJM. The petitioner is a person of clean antecedent.

5. There is no explanation of delay of 32 days in lodging the FIR. It appears that there is already an existing dispute between the informant and the petitioner.

6. Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Addl. Session Judge-VI-cum-Special Judge, POCSO, Katihar in connection with Mahila P.S. Case No. 07 of 2025, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nawneet Kumar Pandey, J)

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