

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44822 of 2025

Arising Out of PS. Case No.-168 Year-2024 Thana- JOGBANI District- Araria

Rahul Das S/o Madan Das, Resident of Village- Khajurbari, Ward No 10,
Police Station- Jogbani, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sartun Khatoon W/o Md. Alam R/o Vill- Khajurbari, Ward No. 10, Post and
P.S.- Jogbani, Distt- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha-1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 15-11-2025 At the outset, Mr. Ramesh Kumar Singh, the learned

counsel for the petitioner submits that inadvertently, due to typing
mistake, the date of custody in paragraph no. 4 has been recorded
as 17.02.2024, which be read as 17.02.2025. Further, for the said
typing mistake, he intends to donate a book to the Lawyer's
Association and the receipt of the same shall be filed in the office.

2. Heard the parties.

3. The petitioner is in judicial custody in connection
with Jogbani P.S. Case No. 168 of 2024, registered for the offences
punishable under Section 64 of the BNS, 2023 and under Section 6
of the POCSO Act, lodged on 05.08.2024 by the informant, Sartun
Khatoon.

4. As per the prosecution story, the informant alleged



that the petitioner forcibly made physical relationship with her and that continued relationship which resulted into pregnancy which led to the current FIR.

5. Learned counsel for the petitioner submits that though the girl is minor, it was a relationship between 21 years old boy (petitioner) and the victim girl and out of the said relationship, a child has already arrived in the world, family members of both the parties want them to lead a happy conjugal life, but the locals of the said ward including the ward member are putting spoke in the wheel. Once out, he will take all steps to bring the victim girl/child to his house and both the family members shall be taking seeking appropriate police protection also.

6. In this case, co-ordinate Bench had also called for the case diary and statement of the victim girl recorded under Section 183 of the BNSS, which is/are on record and the girl actually has supported the prosecution story. Further, Notice was issued by the co-ordinate Bench to the Opposite Party No. 2 and as per the service report, it has been validly served. However, there is no appearance from Opposite Party No. 2.

7. Learned Additional Public Prosecutor for the State on the other hand opposes the prayer submitting that the girl was minor and allegation of rape is there.

8. Taking into account the submissions of the parties



as also the fact that, the allegation is there, though the girl is minor, the continued consensual physical relationship between the victim and the petitioner brings the case to a different narrative also. The categorical statement in the petition is that not only the girl and the petitioner, but both the family members are also ready to enter into conjugal life. However, the locals have become hurdle. The FIR is there, the petitioner is only 21 years of age, has remained in custody for nine months, an undertaking has been given that he shall be in no way coerce the witnesses and/or absent himself from the trial if granted relief, in that background, this Court is inclined to extend him the privilege of bail with the conditions.

9. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-VI-cum-Special Judge (POCSO), Araria, in connection with **Jogbani P.S. Case No. 168 of 2024**, subject to the following conditions:

(i) one of the bailor should be the family member / relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so, for two consecutive



dates, without plausible reason, will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall, in no way, try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

10. Having recorded the facts/passed the order, this Court would also like the Superintendent of Police, Araria to look into the matter and if the parties approach him/her for necessary police protection, in view of the threatening of the ward member, he/she is duty bound to ensure protection to the petitioner/victim girl as also the family members.

11. A copy of the order be sent to the Superintendent of Police, Araria for his/her perusal and needful.

(Rajiv Roy, J)

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