

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48019 of 2025

Arising Out of PS. Case No.-230 Year-2023 Thana- BHAGWANPUR HAT District- Siwan

Abhishek Kumar S/O Bhola Singh R/O Village- Marakashi, P.S- Bhagwanpur Hat, Distt.- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rina Devi D/O Nagendra Sah R/O Village- Marachhi, P.S- Bhagwanpur Hat, Distt.- Siwan.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nalin Kumar, Adv.

For the Opposite Party/s : Mr. Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-11-2025 Heard the parties.

2. Notice as issued by this Court to informant/ OP

No. 2 personally received. Accordingly, same deemed validly served upon.

3. Despite of service of notice none appeared on behalf of O.P. No. 2 / informant.

4. The accused/petitioner is named in the F.I.R. and apprehending his arrest in connection with Bhagwanpur Hat P.S. Case No. 230 of 2023 registered for the offences punishable under Sections 341, 323, 376, 376(D), 506, 34 of the IPC and Section 4 and 6 of POCSO Act and Section



3(1)(a)(xi), 3(1)(w)(i) of SC/ST Act.

5. The allegation against petitioner is to commit penetrative sexual assault upon the daughter of informant aged about 14 years alongwith other named co-accused, while she was on her way to attend natural call.

6. It is submitted by learned counsel appearing on behalf of the petitioner that apparently FIR itself suggests that informant is not an eye witness of the occurrence and this petitioner out of village politics implicated falsely. It is pointed out that despite of disclosing the name of this petitioner through FIR, victim failed to name this petitioner while recording her statement under Section 164 of the Cr.P.C. It is pointed out that the allegation of rape and also to make video viral *qua* occurrence is not available against petitioner as per aforesaid statement of victim. While concluding arguments, it is submitted that above named petitioner is a man of clean antecedent.

7 Learned Spl.PP while opposing the prayer of bail could not disputed aforesaid factual submission.

8. In view of aforesaid factual and legal



submission and by taking note of fact as victim to identify her statement under Section 164 of Cr.P.C. this petitioner and further allegation of penetrative sexual assault and also to make video viral regarding occurrence is not available against petitioner, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Court of POCSO, Siwan/concerned Court, where the case is pending in connection with Bhagwanpur Hat P.S. Case No. 230 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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