

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53334 of 2025

Arising Out of PS. Case No.-98 Year-2025 Thana- BASOPATTI District- Madhubani

Abhishek Kumar @ Govind S/o Late Sri Raghupatti Mallik Village-
Manmohan, P.s.- Basopatti, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. X D/o Amar Mahto Village- Tisi Balia, Ward No. 13, P.s.- Basopatti,
District- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh

For the Opposite Party/s : Mr. Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-09-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 64(1) of the B.N.S. and Sections 4 and 6 of the POCSO
Act.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and is a young
boy aged about 23 years and the informant alleges that she came
in contact with the petitioner about an year back. Further, about
three months back, the petitioner called her at his home and
forcefully established physical relation, thereafter again after 10



days, he established physical relation and when the informant asked him to marry, he resiled and even tried to kill her by pressing her neck. It is next alleged that thereafter she left her maternal grandparents' house fearing that she is pregnant and reached Khajauli. Further, till Khajauli an unknown boy followed her and brought her to the Police Station where CHL Team came and took her to Child Welfare Home.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant and the petitioner were known to each other. It is next submitted that though in the FIR, it has been alleged that the petitioner called her and forcefully established physical relation, but then, in her statement recorded under Section 180 B.N.S.S. the informant has not alleged that forceful sexual relationship was established rather has stated that on pretext of marriage, physical relation was established. It is next submitted that in the FIR, informant has disclosed her age as 16 years, but then, a Medical Board was constituted and same assessed her as 17 years of age, but then, no sign of any rape was found. It is further submitted that specific pleading at Para-11 has been



made that petitioner is in habit of fleeing. It is next submitted that though informant alleges that till Khajauli she was followed by a boy who brought her to the Police Station, but then, the name of the boy is not disclosed in the FIR. It is thus submitted that it might be a possibility that informant was in relationship with that boy and the present false case came to be instituted against the informant. It is also submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, Madhubani in connection with Basopatti P. S. Case No.98 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.



8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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