

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54062 of 2025

Arising Out of PS. Case No.-265 Year-2025 Thana- CHAINPUR District- Kaimur (Bhabua)

Mukesh Kumar S/o- Babua Ram @ Lalbabu Ram Resident of Village-
Lodipur PS- Chainpur, Dist- Kaimur

... .. Petitioner

Versus

1. The State of Bihar
2. Vigau Ram S/o- Makhan Ram Village- Jamuawn Ps- Bhabua Dist- Kaimur
Bhabua

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ramchandra Singh, Advocate
For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-11-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection
with Chainpur P.S. Case No. 265 of 2025 registered for the
offences under Sections 115(2), 126(2), 64, 352, 351(2),
3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the
'B.N.S.') and section 4 & 6 of the POCSO Act.

3. The accused/petitioner is named in the First
Information Report and is in custody since 24.05.2025.

4. Allegation against the petitioner is to commit
penetrative sexual assault/rape upon the daughter of the
informant aged about 16 years.



5. It is submitted by learned counsel appearing on behalf of the petitioner that the victim while recording statement under section 183 of the B.N.S.S, categorically stated that she went on her own to meet the petitioner and thus by denied the allegation of kidnapping as raised against the petitioner. It is submitted that marriage of this petitioner was deferred by his parents as he was not attained the age of 21 years, therefore, under certain confusion the present false case was lodged. It is also submitted that allegation of sexual assault also not appears raised by the victim through her statement recorded under section 183 of the B.N.S.S.

6. While concluding argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is already concluded, for which charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.

7. Learned A.P.P. for the State duly assisted by learned counsel for the informant, while opposing the prayer for bail of the petitioner, submitted that the



daughter of the informant is desirous to marry with this petitioner.

8. Taking aforesaid submission of learned counsel for the informant, learned counsel for the petitioner affirmed that petitioner is also ready to solemnize marriage with the daughter of the informant after attaining the age of legal age as submitted above.

9. In view of aforesaid factual submission and by taking note of the fact as allegation of kidnapping and sexual assault is not available against the petitioner as per statement of the victim, where present implication raised only for the reason that marriage of petitioner could not solemnized with the daughter of informant, coupled with the fact that petitioner, who is a man of clean antecedent, remains in custody since 24.05.2025, where investigation of this case is already completed, accordingly, above-named petitioner is directed to be released on bail, 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 Sessions Judge-6th-cum-



Special Judge, POCSO Act, Kaimur (Bhabua)/concerned court, in connection with Chainpur P.S. Case No. 265 of 2025, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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