

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53943 of 2025

Arising Out of PS. Case No.-158 Year-2024 Thana- BIRPUR District- Supaul

Baban Singh S/o- Chand Kishore Singh Resident of Birpur, Kosi Colony,
Ward No. 03, Police Station - Birpur, District - Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Punam Devi W/o- Umesh Mandal Resident of Birpur, Kosi Colony, Ward
No. 03, Police Station - Birpur, District - Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate
For the Opposite Party/s	:	Ms. Rita Verma, APP
For the Informant	:	Mr. Amrit Abhijat, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 11-11-2025 Heard Mr. Y.V. Giri, learned senior counsel for the

petitioner; Mr. Amrit Abhijat, learned counsel for the informant

and Ms. Rita Verma, learned APP for the State. Perused the case

diary.

2. The petitioner seeks bail in connection with POCSO
Case No. 45 of 2025, arising out of Birpur P.S. Case No. 158 of
2024 instituted for the offences under Sections 341, 323,324,
354B, 504, 506/34 of the Indian Penal Code and later on
Sections 7, 8, 12 of the POCSO Act were added.

3. Prosecution case, in short, is that on 24.04.2024 at
about 3:00 P.M., the petitioner and accused persons entered the
informant's house, assaulted her and her husband at pistol point,



and threatened to kill them if their daughters were not sent for domestic work.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Learned counsel further submitted that no any Section 183 BNSS statement of the victim was recorded. He further contended that no offence under the POCSO Act is made out in the present case. It has been submitted on behalf of the petitioner that he is in custody since 08.05.2025 and has twenty criminal antecedents. However, it is contended that these cases have arisen out of ongoing dispute with the local MLA and in most of the cases the petitioner has been acquitted.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, there being no Section 183 BNSS statement of the victim on record as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with POCSO Case No. 45 of 2025, arising out of Birpur P.S. Case No. 158 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(IV) Petitioner shall not leave the territorial jurisdiction of the learned court below without taking prior permission of the court below/concerned court.

(Rudra Prakash Mishra, J)

Alok Verma/-

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