

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56563 of 2025

Arising Out of PS. Case No.-97 Year-2025 Thana- NATHNAGAR District- Bhagalpur

Sintu Kumar Vijay Mandal @ Vidya Mandal Resident of Village- Fatehpur,
Post Office- Gangania, Police Station- Sultanganj, Dist.- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Dhaneshwar Mandal S/O Sri Rajendra Mandal R/O Vill.- Bhuwalpur, P.S.-
Nathnagar, Dist.- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Anand, Advocate
For the Opposite Party/s : Mr. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 15-11-2025 Heard the parties.

2. The petitioner is in custody in connection with Nathnagar P.S. Case No. 97 of 2025 for the offence punishable under Sections 329(4), 74, 75, 352, 351(2), 351(3) and 3(5) of the B.N.S. and section 8 of the POCSO Act lodged on 28.03.2025 by the informant, Dhaneshwar Mandal.

3. As per the prosecution story, the informant alleged that while he was sleeping, the daughter raised the alarm and when they went to the place, found Sintu Kumar trying to commit rape upon her. He was having pistol and threatened of dire consequences. However, with the help of villagers, he was caught and the Police was called. This led to the FIR.

4. Learned counsel for the petitioner submits that the perusal of FIR would show that the story of pistol has been made but said section is unavailable/absent in the present case.



Further, the girl put in her statement in which she has not alleged rape rather has made allegation about outraging the modesty, he is a young boy having no criminal antecedent and is in custody since 29.03.2025. Learned counsel further submits that if granted bail, the petitioner undertakes not to have any truck with either the victim girl and/or the family members and/or the witnesses and shall be diligently appearing in trial.

5. Learned APP opposes the prayer for bail submitting that even going by the victim girls statement, he tried to outrage the modesty of the girl.

6. In this case, notices were issued to the opposite party no. 2 and as per the office notes, it has been validly served upon him and there is no appearance from his side.

7. Taking into account the submissions of the parties as also that the girl has not alleged any rape against this petitioner, is a young person, is in custody since 29.03.2025 having no criminal antecedent, an undertaking has been given that he shall have no relationship with either the victim and/or family members/witnesses and shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of bail with conditions.

8. However, if it is found that in any way, he has tried



to contact the victim/family members/witnesses, the informant shall be free to take steps for the cancellation of the bail bond.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Court of POCSO cum District and Additional Sessions Judge VI, Bhagalpur in connection with Nathnagar P.S. Case No. 97 of 2025 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 appear before the concerned police station every fortnight for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) 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.

(Rajiv Roy, J)

Adnan/-

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