

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58074 of 2025

Arising Out of PS. Case No.-29 Year-2025 Thana- PALIGANJ District- Patna

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Golu Kumar @ Raushan Kumar S/o Bijendra Bind @ Bijendra Bidyarthi @
Bijendra Vidyarthi R/o Village- Piparadahan Bangla, Post- Sarsi, P.S.-
Paliganj, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Baijnath Das S/o Late Bithal Das R/o Village- Piaparadahan Bangla, Post-
Sarsi, P.S.- Paliganj, Dist.- Patna

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 62600 of 2025

Arising Out of PS. Case No.-29 Year-2025 Thana- PALIGANJ District- Patna

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Jaykishun Kumar S/o Sunil Bind @ Sunil Kumar R/o vill - Piparadahan
Bangla, Post - Sarsi, P.S.- Paliganj, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Baijnath Das S/o Late Bithal Das R/o vill - Piparadahan Bangla, Post - Sarsi,
P.S.- Paliganj, Distt.- Patna

... .. Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 58074 of 2025)
For the Petitioner/s : Mr. Rajeev Kumar Ambastha, Advocate
Mr. Gyanchand Kumar, Advocate
For the Opposite Party/s : Ms. Usha Kumari 1, APP
(In CRIMINAL MISCELLANEOUS No. 62600 of 2025)
For the Petitioner/s : Mr. Rajeev Kumar Ambastha, Advocate
Mr. Gyanchand Kumar, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 28-11-2025 Heard the learned counsel for the petitioner and

learned APP for the State.

2. Petitioners, who are in custody, seeks bail in



connection with Special Case No. 23 of 2025 arising out of Paliganj P.S. Case No. 29 of 2025 registered for the offences punishable under Sections 70(2), 76, 126 of the B.N.S and under Section 3(i)(r), 3(i)(s) of the SC/ST(POA) Act.

3. As per the prosecution case, the informant has alleged that while her daughter had gone to attend call of nature, the named accused persons i.e. the petitioners along with two other unknown persons committed gang rape upon the daughter of the informant. It is further alleged that the daughter of the informant thereafter fell unconscious and the accused persons including the petitioner fled away by abusing with the caste name.

4. The learned counsel for the petitioners submit that the petitioners have been falsely implicated in this case due to personal animosity. It has further been submitted that the allegations made in the F.I.R. stand falsified upon perusal of the statement of the victim recorded under Section 183 of the B.N.S.S., wherein she has not alleged any rape being committed upon her rather, she has stated that the accused persons were trying to remove her clothes and



wanted to do wrong things with her. It has been submitted that no case under the SC/ST Act is made out even as per the allegations in the F.I.R. It has also been submitted that there is a delay in lodging the F.I.R. and no reason has been assigned for the same. It has lastly been submitted that the petitioners are in custody since 18.01.2025 and both the petitioners have one antecedent each.

5. The learned counsel for the informant as well as the learned A.P.P. has vehemently opposed the prayer for bail and has submitted that there is specific allegation against the petitioners, who are named in the F.I.R., of having committed gang rape with the daughter of the informant and therefore they should not be released on bail.

6. Considering the aforesaid submissions made by the parties and the materials which have come during course of investigation, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection Special Case No. 23 of 2025 arising out of Paliganj P.S. Case No. 29 of



2025, subject to the following conditions:-

(i) One of the bailors of the petitioners shall be their close relative and the other shall be local resident.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners.



However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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