

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58696 of 2025**

Arising Out of PS. Case No.-968 Year-2024 Thana- MAHUA District- Vaishali

Nitesh Kumar S/o Hari Kisun Paswan @Hare Kishun Paswan@ Hari Kishun  
Bhagat R/o vill - Suratpur Vidya Belkunda, P.s.- Mahua, Distt.- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priya Thakur D/o Sushil Thakur R/o vill - Suratpur Bidya Belkunda, P.S.-  
Mahua, Distt.- Vaishali

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.Jitendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      08-09-2025                      1. Heard learned counsel for the petitioner and  
learned APP for the State.

2. The petitioner seeks bail in anticipation of his  
arrest in Mahua P. S. Case No.968 of 2024 registered for the  
offences punishable under Sections 126(2),127(2),74,76,78 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 the  
informant alleges that petitioner intercepted her at 6.00 P.M. on  
20.09.2024, while she was coming back home and took her to a  
deserted place and tried to commit rape and even touched her  
inappropriately and tore her clothes. On alarm, her uncle came



and dialed No. 112 and petitioner fled.

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 date of occurrence is 21.09.2024, while FIR came to be instituted on 23.09.2024 i.e. after a delay of two days without any plausible explanation. It is also submitted that police requested the informant for medical examination which she denied, which casts an aspersion on the case of the prosecution.

5. The learned Additional Public Prosecutor vehemently opposes the anticipatory bail application and submits that from perusal of the allegation as alleged in the FIR, it would manifest that informant is a minor and alleges that while she was coming back home, the petitioner intercepted her and took her to a deserted place and tried to commit rape and even touched her at inappropriate places. It is next submitted that in such cases, the family desist from instituting an FIR, but then, it is the courage of the informant which propelled her to institute the instant FIR. It is also submitted that the informant is aware of the fact that the moment an FIR is instituted, people will come to know about the occurrence but still she took the cudgels and got the FIR instituted. It is also submitted that



investigation in the case is still continuing.

6. Considering the submissions made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. The prayer of the petitioner for anticipatory bail stands rejected.

**(Satyavrat Verma, J)**

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