

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60694 of 2025

Arising Out of PS. Case No.-11 Year-2025 Thana- VIDYAPATINAGAR District- Samastipur

Hari Prakash Giri @ Tagar Giri, S/o Hulas Giri, R/o Village and P.O. and P.S.-
Vidyapati Nagar, District- Samastipur, Bihar- 848101.

... .. Petitioner

Versus

1. The State of Bihar
2. Shakunti Devi, W/o Amarnath Mahto, R/o- Malkalipur, P.S.- Vidyapatinagar,
Samastipur, Bihar

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Piyush Kumar Pandey, Advocate
For the State	:	Md. Aslam Ansari, APP
For the Informant	:	Mr. Brajesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-11-2025 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State duly assisted by

learned counsel for the informant.

2. The accused/petitioner seeks bail in connection

with Vidyapati Nagar P.S. Case No.11 of 2025 registered for

the offences punishable under Sections 64 and 70(1) of the

Bhartiya Nyaya Sanhita, 2023 (for short 'B.N.S.').

3. The accused/petitioner is not named in the FIR

and is in custody since 30.03.2025.

4. Allegation against the petitioner is to commit

rape upon daughter of informant aged about 35 years old

while she visited nearby temple. The victim is said to be



intellectually different.

5. It is submitted by learned counsel appearing for the petitioner that the name of petitioner transpired first time during investigation from re-statement of the informant, where she stated that she also came to know from unspecified source that this petitioner was also involved in committing rape of her daughter while she visited temple. It is submitted that in furtherance of said suspicion, nothing incriminating transpired during investigation and even the statement of victim recorded under Section 183 of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS') failed to connect the petitioner with crime in question. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has submitted and, as such, there is no chance of tampering with the evidence and moreover petitioner is a man of clean antecedent.

6. Learned APP duly assisted by Mr. Rohit Kumar, learned counsel appearing for the informant while opposing the prayer of bail submitted that the allegation is also available against this petitioner as to commit rape upon



daughter of informant.

7. In view of aforesaid factual submissions and by taking note of fact as *prima facie* save and except suspicion as raised through re-statement of informant during investigation, nothing incriminating appears against the petitioner as to connect him with present crime in question, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 30.03.2025, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (POCSO), Samastipur in connection with Vidyapati Nagar P.S. Case No.11 of 2025, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

Sanjeet/-

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