

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62955 of 2025

Arising Out of PS. Case No.-15 Year-2025 Thana- DHANGAI District- Gaya

Giri Kumar Son of Upendra Yadav Resident of Village - Jhajh Tola, Nawadih,
P.S.- Dhangain, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. [REDACTED] Resident of village - Jhajh Tola, Nawadih, P.S.-
Dhangain, District - Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 10-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 65(i), 352, 351(2) and 351(3) of B.N.S. and section 4 of the POCSO Act.

3. The case of the prosecution is that the petitioner was having affair outside the marriage with the informant and he has established physical relationship with her many times on the false promise of marriage. It is further alleged that on 10.12.2024, when the victim went to the house of the petitioner for fixing the date of marriage, he assured her to marry very shortly. It is also alleged that she was again sexually exploited.



Further allegation is that on 14.12.2024 when the informant went to the house of the petitioner, his family members assaulted her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Learned counsel for the petitioner has submitted that in this case, from perusal of the medical examination report of the victim, it will transpire that the hymen was old healed tear on fourchette. Doctor has opined that though there is no recent sign of sexual intercourse, rape cannot be denied. It has been submitted by learned counsel for the petitioner that from the perusal of the FIR, it is clear that there was relationship between the petitioner and the informant and from perusal of the FIR, itself, it is clear that the sexual relationship was established on the pretext of false marriage and this case has been filed only when the petitioner refused to marry. As far as the age of the victim is concerned, from the perusal of the order of the trial court, it is clear that as per mark-sheet of Secondary School Examination issued by BSEB, Patna, date of birth 15.06.2005. It has also been argued that the case was filed on 01.02.2025 it means that the date of filing of this case, the informant was major. It has been argued that the facts



and circumstances of this case show that the relationship between the petitioner and informant is consensual. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 10.06.2025.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Dhangai P.S. Case No. 15 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge POCSO -cum-Additional Sessions Judge VII, Gaya Ji.

(Ashok Kumar Pandey, J)

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