

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61363 of 2025

Arising Out of PS. Case No.-249 Year-2024 Thana- Mufassil District- Purnia

Nitesh Kumar @ Nitesh Poddar @ Nitesh Kumar Poddar, S/o Subodh Poddar,
Resident of Village - Bhoga Kariyat, P.S - Muffasil, District - Purnea

... .. Petitioner

Versus

1. The State of Bihar
2. Chandra Mohan Mandal, S/o Naresh Mandal, Resident of Village - Bhoga Kariyat, P.S - Muffasil, District - Purnea

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Sadanand Prasad Deo, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

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.

2. The accused/petitioner seeks bail in connection with Muffasil P.S. Case No.249 of 2024 registered for the offences punishable under Sections 363, 366-A read with 34, 376, 504 and 506 of the Indian Penal Code (in short 'IPC') as well as Sections 4 and 6 of the Protection of Children from Sexual Offences Act (in short 'POCSO Act').

3. The accused/petitioner is named in the FIR and is in custody since 09.07.2025.

4. Allegation against the petitioner is to commit



rape upon minor daughter of informant aged about 16 years. The basis of FIR of present case is Complaint Case No.29 of 2024 filed before the Special Court, POCSO, Purnea.

5. It is submitted by learned counsel appearing for petitioner that the daughter of complainant was in love affairs with petitioner since last six months prior to lodging the present complaint. It is submitted that they solemnize their marriage out of their own will and as the complainant was under apprehension that her daughter might not be accepted by in-laws, he lodged an informatory petition before learned C.J.M., Purnea on 02.04.2024. It is submitted that certain dispute also surfaced after marriage between daughter of complainant and petitioner and, therefore, taking shelter of age of her daughter, the present false case was registered under POCSO Act. It is submitted that the parties ready to separate against alimony of Rs. 4 lakhs out of which Rs. 2 lakhs already paid.

6. Learned APP opposed the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by



taking note of fact as complainant supported the factum of marriage, where dispute primarily appears due to non-payment of amount of Rs.4 lakhs, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 09.07.2025, 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 Additional District and Sessions Judge-6th-cum-Special Judge (POCSO), Purnea in connection with Muffasil P.S. Case No.249 of 2024, 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 Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

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