

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65628 of 2025

Arising Out of PS. Case No.-34 Year-2025 Thana- Mathurapur District- Samastipur

1. Ram Darshan Pandit S/O Late Shatrughan Pandit Resident of Village- Sanichara Asthan Begampur, P.S.- Mathurapur, District- Samastipur
2. Vikash Kumar Pandit @ Vikash Kumar S/O Ram Darshan Pandit Resident of Village- Sanichara Asthan Begampur, P.S.- Mathurapur, District- Samastipur
3. Santosh Kumar Pandit S/O Late Shatrughan Pandit Resident of Village- Sanichara Asthan Begampur, P.S.- Mathurapur, District- Samastipur
4. Ashok Pandit @ Ashok Kumar Pandit S/O Late Shatrughan Pandit Resident of Village- Sanichara Asthan Begampur, P.S.- Mathurapur, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. XXX D/O Bishambhar Nath Ram Resident of Village- Begampur, Ward No. 14, P.S.- Mathurapur, District- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bijay Bhushan Prasad Mr.Rani Shashi Bharti
For the Opposite Party/s	:	Mr.Sadanand Paswan
For the Informant	:	Mr.Shekhar Harshwardhan

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 17-12-2025 Heard the learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehended his arrest in connection with Mathurapur P.S. Case No. 34 of 2025, F.I.R dated 10.04.2025 registered for the offences punishable under Sections 69, 351(2), 3(5) of B.N.S., 506, 34 of the Indian Penal Code and under Sections 4 & 6 of POCSO Act and 3(1)(r)(w), 3(2)(v) SC/ST POA Act.



3. According to prosecution case, the informant submitted a written application before the S.H.O., Mathurapur Police Station on 10.04.2025 alleging that the accused, Raja Kumar Pandit, who is her co-villager and neighbour, was on friendly terms with her and had proposed marriage. It is alleged that on the promise of marriage, the accused had been establishing physical relations with the informant for about six months. It is further alleged that on 05.04.2025, while the informant was at her maternal grandmother's house at village Jhahuri Birsinghpur, the accused called her and, on his assurance of marriage, took her to Delhi, where they stayed in a hotel for one day and physical relations were established. It is alleged that on receiving a call from her father, the informant returned and reached Samastipur on 07.04.2025, where she was allegedly dropped by the accused at Nakku Asthan. It is further alleged that thereafter the accused forcibly obtained signatures and thumb impressions of the informant and her grandmother, and upon refusal by the grandmother, other accused persons allegedly abused her by taking her caste name and issued threats, due to which the grandmother allegedly put her thumb impression. On the said allegations, the present F.I.R. was lodged.



4. Learned counsel for the petitioners submits that all the petitioners are family members of co-accused, where petitioner no. 1 is the father, petitioner no. 2 is brother, and petitioner nos. 3 & 4 are uncles of co-accused. Merely, on the basis of the fact that they are family members, these petitioners have involved in the instant case, while there is nothing specific against these petitioners. Pursuant to the order dated 19.09.2025, notices were issued to the Opposite Party No. 2, and the case diary was called for, which is received. On perusal, by referring to the statement recorded under Section 183 of BNSS, counsel for the petitioners submits that even the victim girl has not stated anything against these petitioners, rather it has been stated that the Petitioner No. 2 – *Vikash Kumar Pandit* had brought the victim as well as the maternal grand mother to her house. Save and except this imputation nothing has been alleged against these petitioners. Opposite Party No. 2 is represented through counsel *Mr. Shekhar Harshwardhan*, who on being confronted, submits though the allegations have been levelled in the First Information Report against these petitioners, but the victim has not stated anything specific against these petitioners. Similar, stand has been taken by the learned counsel for the APP, who also submits that there is no material to find their complicity.



5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the aforesaid facts and circumstances, that petitioners have no criminal antecedents, and petitioners are family members of co-accused, also there is no material to find their competency. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to these petitioners.

7. Let the petitioners, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, VI, cum Special Judge, POCSO, Samastipur in connection with Mathurapur P.S. Case No. 34 of 2025 , subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every



date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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