

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68108 of 2025

Arising Out of PS. Case No.-23 Year-2024 Thana- NAUGACHIA MAHILA P.S. District-
Bhagalpur

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Amit Kumar S/o Late Hiro Singh @ Heeralal Singh R/o Village -
Makhatakiya, P.S.- Naugachhia, District - Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. XYZ W/o ABC R/o Village - Makhatakiya, Besides Savitri Public School,
P.S.- Naugachhia, District - Bhagalpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

For the Informant : Mr. Rajive Ranjan Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 28-11-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner seeks bail in connection with POCSO
Case No. 131 of 2024 arising out of Naugachia (Mahila) P.S.
Case No. 23 of 2024 instituted for the offences under Sections
376, 504, 506, 34 of the Indian Penal Code, Sections 4/6 of the
POCSO Act, and Sections 3(1)(w)(i), 3(2)(v) of the SC/ST Act.

3. Allegation against the petitioner is of commission of
rape upon the informant's minor daughter.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.



Learned counsel for the petitioner submitted that victim in her Statement recorded under Section 164 of the Cr.P.C. has specifically stated that she was in love with the petitioner. He further submitted that nothing has been whispered against the petitioner in Section 164 Cr.P.C. statement of the victim regarding the allegation of rape. Learned counsel further submitted that no offence under the SC/ST Act is made out against the petitioner and the petitioner never abused the informant or victim with caste slurs. It has been submitted on behalf of the petitioner that the petitioner is in custody since 11.04.2025 and has one criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, there being no material against the petitioner in Section 164 Cr.P.C. statement of the victim as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the



like amount each to the satisfaction of Court below/concerned Court in connection with POCSO Case No. 131 of 2024 arising out of Naugachia (Mahila) P.S. Case No. 23 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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