

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69312 of 2025

Arising Out of PS. Case No.-114 Year-2025 Thana- GOVINDGANJ District- East
Champaran

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Ramkeshar Baitha @ Ramkeshwar Baitha S/O Khublal Baitha Resident of
Village - Chandisthan, P.S- Govindganj, Dist.- East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh

For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-12-2025 Heard the parties.

2. The petitioner seeks bail in connection with

Govindganj P.S. Case No. 114 of 2025 registered for the

offence under Sections 64(1) of BNS.

3. The petitioner is named in the F.I.R. and is in

custody since 18.05.2025.

4. As per FIR, named co-accused persons

including petitioner kidnapped minor daughter of

informant, whereafter sexual assault was committed upon

her.

5. Learned counsel appearing on behalf of the



petitioner submitted that from the statement of victim as recorded under Section 183 of BNSS, it can be gathered safely that the sexual assault as alleged was committed upon her by co-accused Md. Suman. The allegation of sexual assault is not available against this petitioner as per statement of victim as recorded under Section 183 of BNSS. It is pointed out that several independent witnesses supported this fact during investigation and said that due to acquaintance with named co-accused Md. Suman, who has political rivalry with family of victim this petitioner was implicated. It is pointed out that nothing surfaced out of medical examination of victim which may suggest penetrative sexual assault. It is further submitted that age of victim upon radiological examination found between age group of 18-19 years, therefore, lodging this case under POCSO Act also not appears convincing. It is submitted that petitioner being a man of clean antecedent remains in custody since 18.05.2025, almost with no progress in trial. While concluding the argument, it is



submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer of bail submitted that allegation is specific available against petitioner qua kidnapping the daughter of informant, however, he conceded that allegation of sexual assault is not available against this petitioner as per statement of victim as recorded under Section 183 of BNSS

7. Despite of service of notice, none appeared on behalf of informant.

8. In view of aforesaid factual submission and by taking note of fact as allegation of sexual assault appears not available prima-facie against this petitioner, as per statement of victim as recorded under Section 183 of BNSS, coupled with fact as investigation of this case already completed where petitioner remains in custody since 18.05.2025, accordingly petitioner above named, is



directed to be released on bail in connection with Govindganj P.S. Case No. 114 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM I, East Champaran, Motihari /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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