

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68832 of 2025

Arising Out of PS. Case No.-256 Year-2025 Thana- DHAKA District- East Champaran

Satyam Kumar, Son of Siyaram Mukhiya, Resident of Village - Yadavpur,
Bakhri Khajuri, P.S.- Dhaka, District - East Champaran, Motihari.

... .. Petitioner

Versus

1. The State of Bihar
2. Rupa Mukhiya, Wife of Ramanand Mukhiya, Resident of Village-Yadavpur,
Bakhri Khajuri, P.S.- Dhaka, District - East Champaran, Motihari.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Karandeep Kumar, Advocate
For the State	:	Mr. Uday Chand Prasad, APP
For the Informant	:	Mr. Abhishek Kumar, Advocate
		Mr. Sharad Kumar Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 09-12-2025 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State duly assisted by

learned counsel appearing for informant.

2. The accused/petitioner seeks bail in connection

with Dhaka P.S. Case No.256 of 2025 registered for the

offences punishable under Sections 64(1) read with 3(5) of the

Bhartiya Nyaya Sanhita, 2023 (for short 'B.N.S.') and Sections

8 and 12 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 22.07.2025.

4. Allegation against petitioner is to commit sexual



assault/rape upon minor daughter of informant aged about 15 years.

5. It is submitted by learned counsel appearing for petitioner that petitioner was in love with daughter of informant but, initially as certain confusion/misunderstanding surfaced between both families, therefore, the present false case has been lodged. It is submitted that now with consent of the family, the petitioner solemnized the marriage with daughter of informant and he undertakes in terms of para-11 of the petition, which is on oath confirming his marriage with victim and he is ready to keep her with all her love and dignity as wife. He is also ready to take care of his newly born baby with the daughter of the informant. It is submitted that as per radiological examination, the victim was found between 18-19 years and she was major and, therefore, implication under POCSO Act also appears bad in eyes of law. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence. The petitioner claimed clean antecedent.

6. Learned APP duly assisted by Mr. Abhishek Kumar,



learned counsel appearing for informant while opposing the prayer of bail submitted that he has no objection to this prayer if petitioner is ready to accept daughter of informant as wife and keep her with all dignity and respect along with new born child in terms of undertaking, as discussed aforesaid.

7. In view of aforesaid factual submissions and by taking note of fact as petitioner remains in custody since 22.07.2025 with almost no progress in trial, 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 6th District and Additional Sessions Judge-cum-Exclusive Special Judge, POCSO Act, East Champaran, Motihari in connection with Dhaka P.S. Case No.256 of 2025, 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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