

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75137 of 2025

Arising Out of PS. Case No.-4 Year-2025 Thana- MAHILA PS District- Khagaria

Prince Kumar, Son of Tilo Mahto, Resident of Village -Rajendra Nagar, Ward
No 29, P.S.- Chitragupta Nagar, District -Khagaria

... .. Petitioner

Versus

1. The State of Bihar
2. Manisha Kumari, Wife of Sarbin Yadav, Resident of Village-Rajendra Nagar,
Ward No. 29, P.S.- Chitragupta Nagar, District -Khagaria

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-11-2025 At the outset, learned counsel appearing for the

petitioner seeks permission to correct the index and prayer

portion *qua* nature of bail petition, which appears wrongly

made as anticipatory bail.

2. Let petitioner to make necessary correction in

the course of day itself.

3. The accused/petitioner seeks bail in connection

with Mahila P.S. Case No.4 of 2025 registered for the

offences punishable under Sections 64, 115(2), 351(2),

351(3) read with 3(5) of the Bhartiya Nyaya Sanhita, 2023

(for short 'B.N.S.') and Section 6 of the Protection of Children



from Sexual Offences Act. 2012 (in short 'POCSO Act').

4. The accused/petitioner is named in the FIR and is in custody since 01.05.2025.

5. As per FIR, the petitioner committed penetrative sexual assault upon minor daughter of informant aged about 15 years.

6. It is submitted by learned counsel appearing for petitioner that alleged victim daughter of informant was friend of younger sister of the petitioner and out of said acquaintance, the daughter of informant remained in night with her friend i.e. younger sister of petitioner, for which the present false implication was raised by the informant. It is submitted that the allegation of rape is on the basis of presumption, as victim daughter of informant felt some pain in her private part in next morning, therefore, it was presumed that petitioner has committed penetrative sexual assault upon her, where as per medical examination report, nothing incriminating/injury was reported in or around the private part of the victim, creating *prima facie* doubt *qua* alleged occurrence. 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 and moreover petitioner found involved in two more criminal cases of different nature, where he is on bail.

7. Learned APP while opposing the prayer for bail submitted that the allegation of penetrative sexual assault is specifically available against this petitioner.

8. In view of aforesaid factual submissions and by taking note of fact as the allegation of rape appears to be raised on the basis of presumption, as discussed aforesaid, which not appears supported *prima facie* out of medical examination of the victim, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 01.05.2025, 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 Special Judge POCSO Act, Khagaria in connection with Mahila P.S. Case No.4 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.)

Sanjeet/-

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