

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75814 of 2025

Arising Out of PS. Case No.-87 Year-2021 Thana- PIPRAHI District- Sheohar

=====

Dilip Kumar @ Dilip Paswan S/o Mahendra Paswan @ Mahindar Paswan R/o
Village - Kamrauli, P.S - Piprahi, District - Sheohar

... .. Petitioner

Versus

1. The State of Bihar
2. X D/o - Y R/o Village - Amba, Ojha Tola, P.S - Piprahi, District - Sheohar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s	:	Mr.Jayram Prasad, Advocate Mr.Deepak Kumar, Advocate
For the Opposite Party/s	:	Mr.Mukesh Kumar Singh, APP
For the Informant	:	Mr.Jay Karn, Advocate Mr.Abhigyan Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-11-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection

with Piprahi P.S. Case No. 87 of 2021 registered for the

offences under Sections 493/504 & 34 of the Indian Penal

Code and after charge-sheet cognizance was taken under

section 417/376/120B/504 & 34 of the Indian Penal Code

and section 4 of the POCSO Act.

3. The accused/petitioner is named in the First

Information Report and is in custody since 16.09.2025.

4. Allegation against the petitioner is to commit rape



upon the informant aged about 21 years old on false pretext of marriage.

5. It is submitted by learned counsel appearing on behalf of the petitioner that considering the overall aspect of the case, the petitioner was granted anticipatory bail by one of the learned coordinate Bench of this Court through Cr. Misc. No. 5236 of 2022 dated 20.05.2022. Later on, when charge-sheet was submitted under section 376 IPC and other allied sections of IPC as also under the provisions of POCSO Act, petitioner again filed a petition for grant of anticipatory bail through Cr. Misc. No 50351/2025, which was disposed of vide order dated 27.08.2025 with a direction to surrender before the court below and make a prayer for bail.

6. It is submitted that petitioner in terms of aforesaid order surrendered before the court below within time and furnished his bail bond.

7. It is pointed out that progress of case was not communicated to the petitioner by his learned counsel due to professional negligence and he only came to know about the present pending trial on the day when his father was arrested



in connection with the present case.

8. It is further submitted that summon and bailable warrant as issued by the learned trial court was not served upon him and, therefore, this is the first misuse of privilege of anticipatory bail, which is neither deliberate nor intentional.

9. Learned A.P.P. for the State duly assisted by learned counsel for the informant opposed the prayer of bail of the petitioner.

10. In view of aforesaid factual submission and for the reasons stated in the petition itself, it appears that this is the first misuse of privilege of anticipatory bail by the petitioner, where petitioner remains in custody since 16.09.2025, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-POCSO, Sheohar/concerned court, in connection with Special (POCSO) Case No. 12/2022 arising out of Piprahi P.S. Case No. 87 of 2021, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya



Nagarik Suraksha Sanhita (in short “B.N.S.S.”) with further condition:

- (I) That petitioner shall not made any attempt to delay trial, failing so, the State/informant shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner, which shall be decided by trial court itself after giving opportunity of hearing to the petitioner.
- (ii) Accused/Petitioner shall physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J)

Rajeev/-

U		T	
---	--	---	--

