

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73514 of 2025

Arising Out of PS. Case No.-16 Year-2025 Thana- GHOSWARI District- Patna

Priyanshu Kumar @ Prince Kumar @ Himanshu Kumar, Son of Bipin Mahto
@ Bipin Prasad @ Bipin Prasad Singh, Resident of Village-Karkain P.S.-
Ghoswari District -Patna

... .. Petitioner

Versus

1. The State of Bihar
2. Munni Devi, Wife of Vinod Thakur, Resident of Village-Karkayin P.S.-
Ghoswari, District -Patna

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Senior Advocate Ms. Sakshi Deep, Advocate Mr. Rakesh Singh, Advocate
For the Opposite Party/s :		Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-11-2025 Heard learned senior counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection

with Special POCSO Case No.57 of 2025 arising out of

Ghoswari P.S. Case No.16 of 2025 registered for the offences

punishable under Sections 126(2), 74, 75(10, 77, 65(1),

351(2) read with 3(5) of the Bhartiya Nyaya Sanhita, 2023

(for short 'B.N.S.') as well as Sections 4, 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 29.04.2025.

4. As per FIR, petitioner alleged to outrage modesty of one of the victim during the occurrence, whereas the other co-accused committed penetrative sexual assault/rape upon other victim, who said to be minor at the time of occurrence.

5. Mr. Krishna Prasad Singh, learned senior counsel while arguing on behalf of the petitioner submitted that the allegation against this petitioner is of only outrage one of the victim during the occurrence, who during investigation found major for the reason that as per school register, her date of birth appears recorded as 15.04.2006 i.e. more than 18 years. It is submitted that the allegation of penetrative sexual assault is not available against this petitioner and the present implication is due to encroachment issue, for which a petition was filed before the authority concerned by petitioner's side. It is submitted that to counter the aforesaid complaint, the victims were made instrumental to implicate petitioner falsely. 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 is a man of clean antecedent.

6. Learned APP opposed the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as victim found major during the investigation as per her school register, where the allegation appears *prima facie* is of non-penetrative sexual assault, which raised in the background of land/encroachment related issues, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 29.04.2025, 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 Exclusive Special Judge, Rape and POCSO Act, Patna in connection with Special POCSO Case No.57 of 2025 arising out of Ghoswari P.S. Case No.16 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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