

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75311 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- MAHILA P.S. District- Banka

=====

Nitish Kumar @ Nitish Kumar Mandal S/o Rushan Sah @ Roushan Mandal
Resident of Village - Ashnaha, P.S - Bounshi, District - Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Supriya Kumari D/o Pankaj Mandal Resident of Village - Bijaynagar, P.S - Banka, District - Banka

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Balkrishna Mishra, Adv.
For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with Banka
(Mahila) P.S. Case No. 39 of 2025 registered for the offence
under Section 65(1) of BNS and Section 4 of POCSO Act.

3. The petitioner is named in the F.I.R. and is in
custody since 19.08.2025.

4. As per FIR, petitioner alongwith co-accused
person, committed penetrative sexual assault/ rape upon
informant aged about 16 years.

5. Learned counsel appearing on behalf of the
petitioner submitted that petitioner was acquainted to the



informant/ victim and she went on her own with petitioner for outing. It is submitted that when for any reason marriage of informant/ victim could not solemnize with petitioner, present false implication was raised, which can be easily gathered from the fact that the informant refused to join medical examination. In support of submission learned counsel drawn an attention to Annexure-2 of the present bail petition which is a compromise between the parties from where it is clear that talk of marriage negotiations was going on between the parties. 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 opposed the prayer of bail.

7. In view of aforesaid factual submission and by taking note of fact as *prima-facie* implications of penetrative sexual assault as alleged appears to be raised in the background of failure of marriage between the parties, coupled with fact that investigation of this case already



completed where petitioner remains in custody since 19.08.2025, accordingly petitioner above named, is directed to be released on bail in connection with Banka (Mahila) P.S. Case No. 39 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 Addl. Sessions Judge 6 cum Special Judge POCSO, Banka /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

Sudha/-

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

