

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.82043 of 2024**

Arising Out of PS. Case No.-3 Year-2024 Thana- KIUL District- Lakhisarai

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Binni Kumar @ Badal Kumar S/O Basant Yadav R/O - Village- Goddih, P.S-  
Kiul, Distt- Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Komal Devi W/O Manish Yadav R/O - Village- Briandaban, P.S- Kiul, Distt-  
Lakhisarai

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Lalan Kumar  
For the Opposite Party/s : Mr. Rabindra Kumar, APP  
Mr. Vijay Anand, Adv

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      05-03-2025                      1.      Heard learned counsel for the petitioner, learned  
A.P.P. for the State, Shri. Rabindra Kumar and the learned  
counsel appearing on behalf of the informant.

2.      The petitioner seeks bail in a case registered for the  
offences punishable under Sections 341, 323, 354, 353, 379, 511  
and 34 of the Indian Penal Code and later on added Sections  
376, 452, 420, 307 of IPC and Section 4 of the POCSO Act.

3.      Learned counsel for the petitioner submits that  
petitioner has antecedent of three cases and is in custody since  
19-9-2024 and charge-sheet has been submitted.

4.      It is next submitted that from perusal of allegation  
as alleged in the FIR, it would manifest that the informant



alleges that on 5-1-2024 at 1:00 AM, she woke up to attend the call of nature, when she noticed a person standing at the door of her sister-in-law, accordingly she asked about his identity, on which the accused misbehaved with her and thereafter climbed on the roof and jumped down, on which the informant raised an alarm, when the family members woke up and they saw that the person, who fell and got injured, was Binni Kumar, i.e., the petitioner.

5. Learned counsel for the petitioner submits that from perusal of allegation as alleged in the FIR, it would manifest that the petitioner and the sister-in-law of the informant were in a relationship, as such the petitioner had gone to meet the sister-in-law of the informant, when informant woke up and raised an alarm, hence the petitioner, while fleeing, fell down and got injured. Learned counsel next submits that subsequently during the course of investigation Sections 376, 452, 420, 307 of the IPC read with Section 4 of the POCSO Act were added in the FIR. It is next submitted that since the petitioner fell from the roof while fleeing and got injured, as such it appears that the informant and her family members, in order to make the case serious so that they do not get implicated with an allegation that they pushed the petitioner from the roof top causing injury, got



the aforesaid sections added in the FIR, when the FIR does not even remotely suggest that rape was committed in the house.

6. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for bail of the petitioner.

7. Considering the submission made by learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kiul P.S. Case No. 03 of 2024.

8. However, it is made clear that if the learned trial court comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

**(Satyavrat Verma, J)**

SUMIT/-

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