

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80554 of 2025

Arising Out of PS. Case No.-265 Year-2025 Thana- SUPAUL District- Supaul

Nitish Kumar Son of Ram Kumar Mandal Village - Vina Tola - Andauli, Ward No - 09, P.S - And District - Supaul, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Xxxx wife of Radheshyam Mandal Village - Vina Tola - Andauli, Ward No - 09, P.S - And District - Supaul, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar
For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-12-2025 1. Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 126(2),115(2),76,352,351(2),3(5) of the B.N.S. and Sections 8 and 12 of the POCSO Act.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that her daughter on 03.05.2025 at 7.00 P.M. had gone to attend call of nature when she was intercepted by the petitioner and Mithilesh and they on point of knife and pistol took her to the cattle shed of Ram Kishore and Nitish unveiled



with an intention to commit rape. On alarm, villagers gathered when accused fled. Further, Dev Narayan seen the victim naked gave her clothes.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that petitioner unveiled the victim with an intention to commit rape, but then, it is submitted that on alarm villagers gathered and the accused fled. It is also submitted that date of occurrence is 03.05.2025 and the FIR has been instituted on 28.05.2025 i.e. after delay of more than 25 days which casts an aspersion on the case of the prosecution. It is also submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees



Twenty Five 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 Supaul P. S. Case No.265 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S. with a further condition that one of the bailors of the petitioner shall be his father namely, Ram Kumar Mandal.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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