

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1059 of 2025

Arising Out of PS. Case No.-115 Year-2022 Thana- DARPA District- East Champaran

Raushan Kumar @ Raushan Ram Son of Bipat Ram Resident of Village -
Tinkoni, P.S. - Darpa, District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Samita Khatoon Wife of Salamat Miya Resident of Village - Tinkoni, P.S. -
Darpa, District - East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar,Adv.

For the Opposite Party/s : Ms.Suman Kumari Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 19-04-2025

Heard the parties.

2. The petitioner is in judicial custody in connection with Darpa P.S. Case No. 115 of 2022 for the offences punishable under section 363, 366A/34 of the IPC and section 8 of the POCSO Act lodged on 07.09.2022 by the informant, Saghira Khatoon.

3. Though the prayer is for bail, it has been typed as 'anticipatory bail' and the Stamp Reporter made the petition defect free on 08.01.2025. The signature is of one Mr. Mithilesh is there. He is cautioned to be careful in future.

4. As per the prosecution story on 01.09.2022, the informant's daughter went out but was taken away for the purpose of marriage which led to the FIR against named



accused.

5. In this case, the Co-ordinate Bench on 05.02.2025 had called for the case diary as also the statement of the victim girl which are on record.

6. Learned counsel for the petitioner submits that he has not been named in the FIR, has no relationship with the named accused. Further, the Medical Report has opined her age to be 18-19 years, is in custody since 31.10.2024 (para-4 of the petition) having no criminal antecedent and if granted bail shall diligently appear in the trial. Further submission is that it is unbelievable that both father and son will rape a girl together.

7. Learned APP opposes the prayer submitting that in 164 CrPC statement, the girl has narrated her ordeal and alleged that both the father and son forced themselves upon her.

8. Allegation is there, the investigation has pointed finger towards the accused persons including the petitioner, in view of the fact that charge-sheet stands submitted, petitioner has got no criminal antecedent, is a young boy, in custody since 31.10.2024, an undertaking has been given that he will be diligently appearing in the trial, in that background, this Court is inclined to extend him the privilege of bail.

9. Let the petitioner, above named, be released on



bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge, POCSO Act, Motihari, East Champaran in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

10. For the mistake that learned counsel has committed in paragraph-1 and despite the case having been filed in the month of January, 2025 and being taken up thrice by the



Co-ordinate Benches, chose not to make correction deleting the word ‘anticipatory’ from paragraph-1, a cost of Rs. 200/- is imposed upon him which shall be paid to Patna High Court Legal Services Committee and a receipt has to be submitted in the office within a week.

(Rajiv Roy, J)

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