

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4998 of 2026

Arising Out of PS. Case No.-44 Year-2025 Thana- BALIYA District- Begusarai

Himanshu Kumar, S/o Devdhar Singh @ Devendar Mahto, R/o village-
Kamalpur, Pamanandpur, P.S.- Ballia @ Bliya, Distt.- Begusarai

... .. Petitioner

Versus

1. The State of Bihar
2. Informant/Victim, D/o Bhusan Mahto, R/o village - Kamalpur, P.S.- Ballia
@ Balliya, Dist.- Begusarai

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-02-2026 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Ballia @ Balliya P.S. Case No.44 of 2025 registered under Sections 65(1) read with 3(5) of the Bhartiya Nyaya Sanhita, 2023 (in short B.N.S.) as well as Section 4 and 8 of the Protection of Children from Sexual Offences Act (in short 'POCSO Act').

3. As per FIR, the victim/informant aged about 14 years was called by one Shyam Kumar and Priyanshu Kumar from her home whereafter, other co-accused persons came



over there and while rest were standing outside, one amongst them namely, Prince Kumar, son of Chandra Kishore Singh after entering into the room committed penetrative sexual assault/rape upon her.

4. It is submitted by learned counsel appearing for petitioner that the allegation as to commit penetrative sexual assault/rape is specifically available against Prince Kumar, son of Chandra Kishore Singh and considering this aspect, one of the learned co-ordinate Bench of this Court granted anticipatory bail to another Prince Kumar, son of Pramod Kumar Mahto, who was also alleged standing before the room along with this petitioner. It is submitted that the case of this petitioner is of similar footing to that of Prince Kumar, son of Pramod Kumar and, therefore, as a matter of judicial parity, this petitioner also deserves bail. It is submitted that this fact can also be gathered from the face of FIR and also the statement of victim as recorded under Section 183 of the BNSS. The petitioner claimed clean antecedent.

5. Learned APP could not dispute the aforesaid facts.



6. In view of aforesaid factual submissions and by taking note of fact as the allegation of committing penetrative sexual assault/rape is not available against this petitioner rather same is available against Prince Kumar, son of Chandra Kishore Singh and further, the similarly situated co-accused has also granted bail by one of the learned co-ordinate Bench of this Court, as mentioned aforesaid, accordingly, the petitioner, above-named, who is a man of clean antecedent, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to 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 Special Judge POCSO Act, Begusarai in connection with Ballia @ Balliya P.S. Case No.44 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short 'CrPC')/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short 'BNSS').

(Chandra Shekhar Jha, J.)

Sanjeet/-

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