

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15443 of 2026

Arising Out of PS. Case No.-28 Year-2020 Thana- MAHILA P.S. District- Samastipur

Sikandar Kumar Son of Sahindra Sah Resident of village -Simri PS-
Vidyapati Nagar District -Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. X wife of Y Resident of village -Simri PS- Vidyapati Nagar District
-Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra
For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-05-2026 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 323, 34, 341, 376-D-A, 504
and 506 of the Indian Penal Code and Section 4 of the POCSO
Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of three cases and is in custody
since 04.12.2025. It is further submitted that all the three cases
were instituted from the side of the informant as petitioner is
agnate of the informant. It is next submitted that informant
alleges that her minor daughter on 10.04.2020 was raped by six



named accused persons by forcefully entering the house.

4. The learned counsel for the petitioner submits that petitioner is not named in the FIR and his name transpired in the confessional statement of the victim recorded under Section 164 Cr.P.C. It is further submitted that since petitioner is related to the informant, hence it does not appear probable that informant at the time of instituting the FIR would not have disclosed the name of the petitioner as the petitioner participated in the occurrence. It is also submitted that even allegation of rape does not get corroborated by the injury report. It is further submitted that date of occurrence is 10.04.2020 and the FIR came to be instituted on 21.05.2020 i.e. after a delay of more than a month. It is next submitted that Nivas Kumar @ Niwas Kumar had approached this Court seeking regular bail by filing Cr. Misc. No.48950 of 2021 in which order dated 25.01.2022 was passed and the Superintendent of Police, Samastipur was directed to file his counter-affidavit. It is further submitted that Cr. Misc. No.48950 of 2021, thereafter was taken up on 14.02.2022, when the Superintendent of Police, Samastipur was present in the Court in compliance of the order dated 25.01.2022. It is submitted that thereafter the case was taken up on 31.03.2022 and Niwas Kumar was granted the privilege of regular bail. It is



further submitted that case of the petitioner is on a better footing.

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

6. After hearing the learned counsel for the parties and taking into consideration the order dated 25.01.2022, 14.02.2022 and 31.03.2022 in Cr. Misc. No.48950 of 2021, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Samastipur Mahila P. S. Case No. 28 of 2020.

7. The application stands allowed.

(Satyavrat Verma, J)

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