

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17164 of 2026

Arising Out of PS. Case No.-313 Year-2025 Thana- RAJAON District- Banka

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Bibhishan Tanti @ Bibhishan Kumar Son of Nand Lal Tanti Resident Of
Village- Khaira, Ps- Rajoun, Dist- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
 2. X Daughter of Y Resident Of Village- Khaira, Ps- Rajoun, Dist- Banka
- Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Ms. Neetu Mishra, Adv.
Mr.Sanjay Kumar Jha, Adv.
For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 24-06-2026 Heard Ms. Neetu Mishra, learned Advocate for the

petitioner and learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Rajoun P.S. Case No. 313 of 2025, registered for the
offences punishable under Sections 126(2), 115(2), 64, 3(5) of
the BNS and Section 4 of the POCSO Act.

3. Despite valid service of notice upon the opposite
party no. 2, there is no appearance on her behalf.

4. Based upon the written report, it is alleged that in
the night of the fateful day co-accused Raghav Kumar @ Rintu
Kumar on the pretext of marriage committed rape upon the
victim and when this fact has been brought to the knowledge of
the petitioner, who happens to be father of co-accused Raghav
Kumar @ Rintu Kumar, he assaulted the informant with lathi
and allowed the co-accused to flee away from the house.



5. Learned Advocate for the petitioner referring to the FIR contended that even if the allegation is taken to be true for the sake of argument, the entire accusation revolves around co-accused Raghav Kumar @ Rintu Kumar. Only on account of the fact that the petitioner being the father of co-accused Raghav Kumar @ Rintu Kumar, his name has been implicated in this case in order to mount pressure. The statement of the victim was recorded under Section 183 of the BNSS wherein she has categorically stated that she was in good relationship with the petitioner for a petty long time and both of them wanted to solemnize marriage but since the petitioner was not ready for the same a *panchaiti* was also taken place and in the meanwhile he allowed the co-accused to leave the village. It is further contended that there is abnormal delay in lodging of the FIR and this also smacks malafide. Moreover, the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the court.

6. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the petitioner being the father of the co-accused allowed him to flee away, who committed rape upon the victim on the pretext of marriage, the complicity of the petitioner cannot be denied.



7. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the nature of allegation which revolves around co-accused Raghav Kumar @ Rintu Kumar and the petitioner being the father of the said accused person, his name has been implicated in this case, besides the statement of the victim recorded under Section 183 of the BNSS and the fair antecedent of the petitioner, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-6-cum-Special Judge, POCSO, Banka in connection with Rajoun P.S. Case No. 313 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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