

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17670 of 2026

Arising Out of PS. Case No.-136 Year-2025 Thana- SAKATPUR District- Darbhanga

Mahendra Saday @ Mahindar Saday, Son of Firangi Saday, Resident of village - Kakodha, Purvi, Police Station - Sakatpur, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXXX, Wife of YYYY Resident of village - Kakodha, Ward No.- 7, Police Station - Sakatpur, District - Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nilendu Kumar Choudhary, Advocate.
For the Opposite Party/s	:	Mr.Madan Kumar, APP.
For the Informant	:	Mrs. Varsha Rani, Advocate.
		Mr. Sushant Kumar Sharma, Advocate.
		Mr. Kapil Bhargav, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 14-05-2026 Heard learned counsel appearing on behalf of the petitioner, learned APP for the State and learned counsel for the informant.

2. The petitioner seeks pre-arrest bail in connection with Sakatpur P.S. Case No. 136 of 2025 registered for the offence punishable under Section 76 of the BNS and Sections 8 and 12 of the POCSO Act.

3. As per the allegation made in the F.I.R., the petitioner is alleged to have committed sexual wrong with the minor daughter of the informant.

4. Learned counsel appearing on behalf of the



petitioner submitted that the petitioner is an old man aged about 76 years. He contended that, even according to the allegation made in the F.I.R., the petitioner had no intention to commit any objectionable act rather he wanted to express his love affection towards the daughter of the informant. Learned counsel further submitted that the informant is not an eye-witness to the alleged occurrence. Although the prosecution case is said to have been supported by the victim, who is aged about nine years, there is every possibility that the minor daughter of the informant might have been tutored considering the fact that the alleged occurrence took place on 24.12.2025, whereas the statement of the victim under Section 183 BNSS was recorded on 27.12.2025. On these grounds, learned counsel seeks that the petitioner be released on pre-arrest bail.

5. Mrs. Varsha Rani, learned counsel, has tendered her appearance on behalf of the informant and vehemently opposed the prayer for bail. She submitted that the petitioner, with bad intention, tried to molest the victim child and the victim has supported the prosecution case in her statement recorded under Section 183 of the BNSS.

6. Learned APP for the State has also supported the argument advanced on behalf of the informant.



7. Having heard the rival submissions made on behalf of the parties and having perused the allegation made in the F.I.R., I find that the witness, who is said to have seen the occurrence with her own eyes in her statement recorded under Section 180 of the BNSS by the Investigating Officer, has supported the prosecution case. Further, the victim child, aged about nine years, has also supported the prosecution case in her statement recorded under Section 183 BNSS, I am not inclined to enlarge the petitioner on pre-arrest bail.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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