

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18566 of 2026**

Arising Out of PS. Case No.-5 Year-2026 Thana- MAHILA PS District- Buxar

Sundar Kumar @ Shashikant Kumar Son of Late Kameshwar Prasad Resident
of Village - Kadsar, P.S.- Sonvarsha, District - Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pappu Kumar Sah Son of Hira Lal Sah Resident of Village - Kirni, P.S. -
Nawanagar, District - Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Singh, Advocate
For the State	:	Mr.Amitesh Kumar, APP
For the Informant/O.P.No.2:		Mr. Abhishek Kumar, Advocate
		Mr. Shubham Shivansh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 14-07-2026 Heard learned counsel for the petitioner and learned

APP for the State as well as learned counsel appearing on behalf

of the informant-opposite party no. 2.

02. In the present case, the petitioner seeks bail in
connection with Buxar Mahila P.S. Case No. 05 of 2026
registered for the alleged offences under Sections 126, 115(2),
65, 351(2), 352, 3(5) B.N.S. and Sections 4/6 of POCSO Act.

03. As per prosecution case, co-accused Umakant
Dubey raped the minor daughter of the informant and the
petitioner and the co-accused kept watch during this act when
the rape was being committed by the co-accused.

04. Learned counsel for the petitioner submits that
the petitioner is innocent and has been falsely implicated in this
case. The petitioner is named in the FIR but there is no specific



allegation against the petitioner of commission of rape. The allegation is specific against co-accused Umakant Dubey. Learned counsel further submits that the statement of the victim and some other witnesses have been recorded under Section 183 of BNSS but none of them have named this petitioner. The petitioner is having clean antecedent and he is in custody since 19.01.2026. Charge sheet has been submitted

05. Learned APP as well as learned counsel appearing on behalf of the informant-opposite party no. 2 oppose the submission made on behalf of the petitioner. Learned counsel for the opposite party no. 2 submits that the petitioner is named in the FIR. There is further allegation that he and co-accused persons forcibly took away the daughter of the informant inside a hut where she was raped by co-accused and this petitioner helped the co-accused in committing this act. Learned counsel further submits that the main accused also named this petitioner and therefore, his complicity in the commission of rape is apparent.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no allegation of commission of rape against the petitioner, who is stated to be associate of the main co-



accused against whom there is allegation of rape and also considering the period of custody of the petitioner, his clean antecedent and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge VI -cum- Special Judge, POCSO, Buxar/concerned Court in connection with Buxar Mahila P.S. Case No. 05 of 2026, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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