

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24991 of 2026

Arising Out of PS. Case No.-67 Year-2020 Thana- MAHILA P.S. District- Samastipur

Sikandar Kumar, Son of Sahindra Sah, Resident of Village-Simri, P.S.-
Vidyapati Nagar, Dist. - Samastipur.

... .. Petitioner

Versus

1. The State of Bihar
2. XXXXXXXX, D/o YYYYYYYY, Resident of Village - Simri, P.S. - Vidyapati Nagar, Dist. - Samastipur.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate

For the Opposite Party/s : Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 15-07-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Samastipur Mahila P.S. Case No.67 of 2020 registered for the offences punishable under Sections 147, 148, 149, 354, 376-DA, 511 and 120-B of the Indian Penal Code (in short 'IPC') as well as Sections 4, 6, 8, 10, 12, 14, 16 and 18 of the Protection of Children from Sexual Offence Act (in short 'POCSO Act') and Section 27 of the Arms Act.

3. The accused/petitioner is named in the FIR and is in custody since 04.12.2025.



4. As per FIR, it alleged in terms of complaint, which is the basis of FIR as filed by the informant on 18.06.2020 in the POCSO Court, Samastipur against all the FIR named co-accused persons alleging therein that on 19.05.2020 at about 8:00 P.M. all the accused persons including the petitioner were variously armed with came to the house of the complainant on a four wheeler vehicle and two motorcycles and all of them assaulted, misbehaved and outraged the modesty of the informant and made all attempt to commit rape upon her. It is alleged that prior to this incidence, on 10.04.2020 all the accused persons had committed rape upon her younger sister and she was forcibly prevented to institute any complaint.

5. It is submitted by learned counsel appearing for the petitioner that the allegation against the petitioner is very much general and omnibus and he was implicated only in the background of land dispute and previous enmities. It is submitted that this time also, the implication was initiated on the basis of complaint with all ornamental and aggravated allegations, which can be gathered from the face of



complaint itself. It is pointed out that the occurrence alleged to be taken place on 19.05.2020 but, the complaint was lodged on 18.06.2020, i.e. after one month, under formulation of false allegation. It is also submitted that the petitioner was involved in three more criminal cases with same informant/complainant, where nature of allegation is almost similar. It is submitted that Vidyapati Nagar P.S. Case No.83 of 2010 was lodged by the uncle of victim namely, Ajay Kumar Sah, whereas C.R. Case No.157 of 2018 was lodged by the cousin of the victim and C.R. Case No.89 of 2020 by sister of victim, which all reflects the conduct of the informant and the complainant. It is submitted that considering all such aspects, the co-accused namely, Rakesh Kumar @ Bhulla and Hemant Kumar were granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.39563 of 2021 dated 04.08.2022 and, therefore, as a matter of judicial parity, the petitioner also deserves bail.

6. While concluding argument, it is submitted that investigation of this case is already completed, for



which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

7. Learned APP opposed the prayer for grant of bail to the petitioner.

8. In view of aforesaid factual submissions and by taking note of nature of accusation, which appears very much general and omnibus in nature against petitioner, coupled with the fact that investigation of this case is already completed, where similarly situated co-accused persons have already granted bail by one of the learned co-ordinate Bench of this Court, as submitted aforesaid, accordingly, the petitioner, above-named, who is in custody since 04.12.2025, 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 Additional Sessions Judge-VI-cum-Special Judge (POCSO), Samastipur in connection with Samastipur Mahila P.S. Case No.67 of 2020, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the



Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS').

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

