

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25019 of 2026

Arising Out of PS. Case No.-25 Year-2026 Thana- Maghopur District- Gopalganj

Bishwajeet Das Son of Late Burjen Das Resident of Village - Bhawanipur,
Police Station - Bagda, District - Uttar 24 Pargana, State - West Bengal

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Son of Y Resident of Plot No. 144 Near Nilam Petrol Pump, Police Station - Khanjwala Delhi - 81

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 18-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 79, 111, 143(1), 145, 98, 296 and 3(5) of the BNS, 2023 and sections 4, 8, 12 of POCSO and 79 of JJ Act and section 16 of Child and Adolescent Labour (Prohibition and Regulation) Act.

3. The case of the prosecution is that the petitioner runs an orchestra and in his orchestra one minor girl was found who alleged that she was forced to dance on obscene songs.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned



counsel for the petitioner has submitted that in this case during course of investigation, the victim of this case has given her statement under sections 180 and 183 of BNSS. In her statement under section 183 of the BNSS, she has stated that she has come to see her cousin sister on 08.03.2026 when her cousin sister has gone to orchestra for the programme, she was alone and has cooked meals. At 4 a.m. police arrived, at that time, she was alone and police apprehended her. She has categorically stated that she has come to see her cousin sister on her own will. She was not working in the said orchestra.

5. Learned counsel for the informant has submitted that learned trial court has rejected the bail of the petitioner relying on the statement of victim under section 180 of the BNSS.

6. Countering this learned counsel for the petitioner has submitted that the statement under section 180 of BNSS has to be recorded by police and videography of the same has to be done but from perusal of the statement of the victim under section 180 of BNSS, it is clear that the videography of the same was not done by the I.O., as such, the statement of victim under section 180 of BNSS is not reliable. A statement has been made in para-3 that the petitioner is having no criminal



antecedent. Moreover, he is languishing in judicial custody since 10.03.2026.

7. Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer of regular bail.

8. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Madhopur P.S. Case No. 25 of 2026 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge, VI, Cum Special Judge, POCSO, Gopalganj.

(Ashok Kumar Pandey, J)

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