

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28727 of 2026

Arising Out of PS. Case No.-30 Year-2024 Thana- MAHILA PS District- Khagaria

Vivek Chandra Gupta S/o Bhola Prasad Gupta Resident of Village - Kali
Mandir Gali, Ward No. 19, PS - Khagaria, District - Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX D/o YYY R/o Village - Anda Toli Gali, Ward No. 18, P.S and District -
Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Santosh Kumar Singh
For the Opposite Party/s :	Ms. Sharda Kumari
For the Opposite party no. 2	Mr. Dhiraj Sagar

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 11-06-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the opposite party no. 2.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 65, 62, 351(2),351(3) of
the B.N.S and 4 POCSO Act.

3. Petitioner is said to have tried to commit rape
with the informant.

4. Learned counsel for the petitioner submits that
the present case has been lodged with malafide as prior to the
present case, the mother of the petitioner had lodged a case
bearing Khagaria P.S. Case No. 320 of 2024 on 13.06.2024
against the informant of the present case and only to save
herself from the said case, the present case was lodged by using



the victim. It is further submitted that the present FIR has been lodged after a delay of two days, inasmuch as the occurrence is said to have taken place on 03.07.2024, while the FIR was lodged on 05.07.2024 after due thought and deliberation. The statement of the victim recorded under Section 183 of BNSS does not refer to earlier instances as referred to in the First Information Report and only makes a reference to one incident. However, it has not been stated that any sexual intercourse was committed with her. The medical report also indicates no mark of violence was present all over the body and genitalia of the victim and her age was assessed to be between 18 to 19 years. It is further submitted that due to interference of well-wishers, the cases on both the sides have been compromised and a compromise petition (Annexure-P/4) has been brought on record. The petitioner is in custody since 18.03.2026 without any criminal history.

5. Learned APP for the State opposes the prayer for bail. However, the learned counsel appearing for the informant supports such compromise.

6. Taking into consideration the facts and circumstances of the case and also considering the factum of compromise between the parties, let the above named petitioner



be enlarged 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 Court below where the
case is pending/successor Court in connection with Mahila P.S.
Case no. 30/2024.

(Soni Shrivastava, J)

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