

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48095 of 2025

Arising Out of PS. Case No.-236 Year-2024 Thana- BAJPATTI District- Sitamarhi

Hari Sah S/O Ram Lakhan Resident of Village- Ratwara, P.S- Bajpatti, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. X D/O Late Shree Mohan Sah R/O Village- Ratwara, P.S- Bajpatti, Distt.- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dwij Raj, Advocate
For the Opposite Party/s : Mr.Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

6 13-03-2026 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Bajpatti P.S. Case No. 236 of 2024, instituted for the offences under Sections 498-A, 376/34 of the Indian Penal Code and section 8 of the POCSO Act.

3. Prosecution case, in short, is that petitioner along with other co-accused persons committed rape upon the informant.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. He further submitted that victim and the son of the petitioner co-



accused Bittu Kumar were in love affairs and they ran away against the will of the petitioner. The petitioner has never accepted the relationship of the victim and his son. The victim and Bittu Kumar returned to the village and victim gave the birth of a child. After sometimes both co-accused Bittu Kumar and the victim started fighting each other and then victim went to her sister's house and Bittu Kumar moved to Delhi for livelihood. The occurrence took place on 01.07.2023, whereas the F.I.R. has been lodged on 28.08.2024. Learned counsel for the petitioner submits that general and omnibus allegation has been made against the petitioner. In the statement of victim recorded under section 183 of BNSS, the victim stated that she left the house along with co-accused Bittu Kumar on 01.07.2023, thereafter, said Bittu Kumar put vermilion on her forehead. She further alleged that petitioner and his son established physical relationship with her, but no F.I.R. was lodged in the year 2023. It has been submitted on behalf of the petitioner that the petitioner is in custody since 19.04.2025 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances



of the case, as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bajpatti P.S. Case No. 236 of 2024, subject to the following conditions:

(I) One of the bailors shall be the petitioner’s own or close member.

(II) The petitioner shall appear on each and every date fixed during the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioner shall not tamper with the prosecution evidence or influence/intimidate any witness during the course of trial.

In case of violation of any of the aforesaid conditions, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

manish/-

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

