

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50815 of 2025

Arising Out of PS. Case No.-41 Year-2025 Thana- PALASI District- Araria

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Shashi Nath Mandal S/o Late Dhelayi Mandal R/o vill - Korhailli, P.S.-
Palasi, Distt.- Araria

... .. Petitioner

Versus

1. The State of Bihar
2. Rajesh Kumar Sah S/o- Shankhu Sah Resident of village- Kodhaili, ward
no.-05 PS-Palasi District-Araria

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. P.N. Shai, Sr. Advocate
		Mr. Ranjit Kumar Thakur
For the State	:	Mr. Tapeswar Sharma, APP
For the Informant	:	Mr. Suraj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 19-02-2026 Heard learned Senior Counsel for the petitioner,

learned APP for the State, and learned counsel for the informant.

2. The petitioner apprehends his arrest in

connection with Palasi P.S. Case No.41 of 2025 for the offence

under sections 65(1), 351(2), 351(3), 61(2) of the B.N.S., 2023,

and under section 6 of the POCSO Act.

3. The informant alleges that his wife had illicit

relations and further in connivance with the wife of the



informant, the daughter was also roped into establishing illicit relations and subsequently the daughter conceived. The informant further alleges that the petitioner and other accused persons had also established illicit relations with his wife and daughter. On the basis of the aforesaid statement of the informant the FIR being Palasi P.S. Case No. 41 of 2025 was registered against the accused persons including the petitioner.

4. Mr. P.N. Shahi, learned Senior Counsel for the petitioner has submitted that though the allegation against the petitioner is of having established sexual relationship with the victim girl, but the petitioner has falsely been implicated in this case. Adverting to Annexure P/2 which is sale deed, it is the submission of the learned Senior Counsel for the petitioner that the co-accused mother of the victim girl being the guardian of the her children, had sold the land to the petitioner and thereafter the informant, i.e., the husband of the vendor, has filed this instant false case in order to recover the property. He has further submitted that the petitioner has filed an application for a DNA test of the victim girl, but it is the family of the victim girl who has refused to get the DNA test done. It is also the submission of the learned Senior Counsel that the mother of the victim girl had confessed before the Police which supports



the case of the petitioner. He further submitted that the petitioner, being a government school teacher having clean antecedent had been roped in this false and fabricated case by the informant to grab back the land under the sale deed executed by his wife who is pertinently the co-accused in the present case and also the mother of the victim girl. Lastly, the learned Senior Counsel has submitted that the CDR of the mobile belonging to the petitioner would show that the petitioner has not even visited the house of the informant.

5. Considering the aforesaid facts and the fact that the petitioner had moved an application to get the DNA test done, which was refused by the informant, as also the clean antecedents of the petitioner, this application is **allowed**.

6. Accordingly, let the petitioner, above-named, in the event of arrest or surrender within six weeks from today in the Court below, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned D.A.J. - VI – cum – Special Judge (POCSO), Araria/concerned Court below in connection with Palasi P.S. Case No.41 of 2025 subject to the conditions as laid down under Section 482(2) of the BNSS.



7. It is made clear that the bail bonds of the petitioner shall only be accepted, if the contention of the petitioner, regarding moving an application before the Police / Investigating Agency, for DNA test of the victim girl, is found to be true by the trial Court / concerned Court.

8. Needless to state that this Court has not expressed any opinions on the merits of the case.

(Sandeep Kumar, J)

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