

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54472 of 2025**

Arising Out of PS. Case No.-473 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Dilip Sharma, S/o Swarup Lal Sharma @ Swarup Lal Tanti, R/o Village-  
Subedari Tola, Ward No.-39/44, P.S.- Saharsa Sadar, District - Saharsa

... .. Petitioner

Versus

- 1. The State of Bihar
- 2. Meena Devi, W/o Pavitar Das, R/o Vill. - Subedari Tola, Ward No.-44,P.S.-  
Saharsa Sadar, District - Saharsa

... .. Opposite Parties

**Appearance :**

For the Petitioner/s : Mr. Binod Murari Mishra, Advocate  
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      06-02-2026                      Heard learned counsel for the petitioner and learned  
  
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection  
  
with POCSO Case No.26 of 2025 arising out of Saharsa Sadar  
  
P.S. Case No.473 of 2024 registered for the offences  
  
punishable under Sections 384, 315, 376, 354-B, 307, 504,  
  
506, 120-B read with 34 of the Indian Penal Code (in short  
  
'IPC') as well as Sections 4, 8 and 12 of the Protection of  
  
Children from Sexual Offences Act.

3. The accused/petitioner is named in the FIR and is  
  
in custody since 09.06.2025.



4. As per FIR, co-accused Rakesh @ Kargil Kumar alleged to commit rape upon minor daughter of informant aged about 16 years. It is alleged that the petitioner has captured the video of occurrence of rape.

5. It is submitted by learned counsel appearing for petitioner that the allegation as to commit rape upon minor daughter of informant is available against co-accused Rakesh Kumar, who has already granted bail by this Court through Cr. Misc. No.3844 of 2025 dated 15.09.2025. It is submitted that admittedly the allegation against petitioner is limited to capture the video of occurrence of rape. 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. The petitioner claimed clean antecedent.

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

7. On repeated calls, learned counsel appearing for the informant has failed to join the present proceeding.

8. In view of aforesaid factual submissions and by



taking note of fact as the allegation of rape is not available against this petitioner, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 09.06.2025, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, POCSO, Saharsa in connection with POCSO Case No.26 of 2025 arising out of Saharsa Sadar P.S. Case No.473 of 2024 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/-

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