IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61538 of 2026
CNR No. BRHC010813082026

Arising Out of PS. Case No.-111 Year-2026 Thana- Bankebazar District- Gaya

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Ram Chandra Prasad @ Budha @ Ram Chandra Budha @ Ram Chandra Mehta Son of Bhagi Mahto Resident of village- Suji PS- Padma District- Hazaribagh, Jharkhand

... ... Petitioner/s

Versus

1. The State of Bihar bihar
2. XXX Wife of Y Resident of village- Laxmipur, Ps- sitamarhi, Dist- Nawada

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Awnish Kumar, Adv.
For the Opposite Party/s : Mr. Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR

ORAL ORDER

4 29-10-2026 Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor for the State. Despite valid service of notice, none appears on behalf of the informant.

2. The petitioner is seeking regular bail in connection with Bankey Bazar P.S. Case No. 111 of 2026, registered for the offences punishable under Sections 126(2), 115(2), 303(2), 140(2), 74, 352, 351(2) and 3(5) of the B.N.S. and Section 8 of the POCSO Act.

3. As per the prosecution case, on 08.06.2026, the informant, Indu Devi, was working at a brick kiln at Bankey Bazar along with her family members. It is alleged that the petitioner, Ram Chandra Prasad @ Budha, along with co-accused persons, armed with lethal weapons, entered the

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informant's house near BRC Brick Kiln and attempted to outrage the modesty of her minor daughter, Anshu Kumari, aged about 14 years. When the informant intervened, co-accused Tikesh allegedly pushed her, causing her to lose consciousness. Upon regaining consciousness, she allegedly saw the accused persons dragging her husband, Dayanand Chouhan, towards their four-wheeler. The accused persons allegedly kidnapped her husband with the intention of killing him, snatched a gold locket from her neck, and took away her husband's two-wheeler. It is further alleged that they demanded a ransom of ₹3,00,000/- for her husband's release and threatened to kill him and burn the family members in the brick kiln in case of non-payment.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case merely on the basis of suspicion. He further submits that no incriminating material has been recovered from the possession of the petitioner. Learned counsel next submits that the husband of the informant, namely, Dayanand Chauhan, is a labour contractor who used to supply labourers to different brick kilns. The petitioner is the proprietor of a brick kiln operating in the name of BRC Bricks, and the petitioner and the husband of the informant are known to each

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other. It is further submitted that the husband of the informant, namely, Dayanand Chauhan, had taken a sum of Rs. 8,50,000/- from the petitioner, who is the proprietor of BRC Bricks, for arranging 50 labourers to work at the said brick kiln. In this regard, an agreement was executed between the petitioner and Dayanand Chauhan on 26.09.2024, which has been brought on record as Annexure-P/2 to the bail application. Learned counsel further submits that Annexure-P/3 to the bail application reflects the financial transaction between the petitioner and Dayanand Chauhan, the husband of the informant. Learned counsel further submits that, despite the aforesaid agreement to provide labourers for work at BRC Bricks, the husband of the informant failed to provide the requisite labourers even after receiving the advance payment of Rs. 8,50,000/- from the petitioner. It is further submitted that the petitioner repeatedly requested the husband of the informant to refund the aforesaid amount, but he refused to do so. Learned counsel next submits that, as the husband of the informant neither provided the labourers as agreed nor refunded the advance amount received from the petitioner, he subsequently instituted the present false case against the petitioner. So far as the allegation under the POCSO Act is concerned, learned counsel submits that the said

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allegation has been subsequently added by the police and that the FIR, to the extent of the alleged offence under the POCSO Act, is wholly misconceived and without jurisdiction. He further submits that no material is available in the FIR to constitute an offence under the POCSO Act. Learned counsel also submits that the victim girl, in her statement recorded under Section 183 of the BNSS, has made no allegation against the petitioner. Therefore, no offence under the POCSO Act, as alleged, is made out against the petitioner. He further submits that the charge-sheet has also not been submitted against the petitioner under the provisions of the POCSO Act. Learned counsel further submits that the petitioner is a person with a 41% disability and is physically handicapped. It is lastly submitted that the petitioner has been in judicial custody since 12.06.2026 and has no criminal antecedent, as stated in paragraph No. 3 of the bail application.

5. On the other hand, learned Additional Public Prosecutor appearing on behalf of the State vehemently opposes the prayer for bail of the petitioner and submits that there is a serious allegation against the petitioner of kidnapping the husband of the informant and attempting to outrage the modesty of the informant’s minor daughter, aged about 14 years,

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therefore, the petitioner does not deserve to be enlarged on bail.

6. Considering the facts and circumstances of the case, as well as the fact that a financial transaction had taken place between the petitioner and the husband of the informant in connection with the provision of labourers for the petitioner's brick kiln, which the husband of the informant allegedly failed to provide, coupled with the fact that the charge-sheet has not been submitted against the petitioner under the provisions of the POCSO Act, also the fact that the petitioner and husband of the informant entered into a compromise regarding the settlement of the disputed amount, as reflected in Annexure-P/2 to the bail application, and the period of judicial custody already undergone by the petitioner, this Court is inclined to enlarge the petitioner on bail, let the above named petitioner be released on bail, on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, POCSO-cum-ADJ-7, GAyaji, in connection with Bankey Bazar P.S. Case No. 111 of 2026, subject to the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as

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directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of or in the name of verification.

(Girijish Kumar, J)

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