

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57314 of 2025

Arising Out of PS. Case No.-28 Year-2025 Thana- MAHILA P.S. District- Samastipur

Upendra Mahto Son of Ram Prakash mahto Resident of Village - Madanpur Chhapra, P.S. - Pusa, Ward no. 11, Dist. - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarita Kumari D/o Baleshwar Ram R/o Village - Madanpur Chhapra, PS. - Pusa, Dist. - Chhapra, DIst. - - Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Sinha, Advocate
For the State	:	Mr. Sadanand Paswan, APP
For the Informant	:	Mr. Kedar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 05-02-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State as also learned counsel for the informant.

2. The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 28 of 2025 instituted for the offence under Sections 69, 89, 352 & 3(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 4 & 6 of the POCSO Act and Sections 3(1)(r)(s)(w) & 3(2)(v) of the SC/ST Act.

3. The prosecution story, in brief, is that the informant, a matriculation student, was repeatedly molested and later raped by Ankit Kumar (petitioner's son) in February 2024. When she became pregnant, Ankit and his parents attempted to suppress the matter and later refused to marry her, leading to a



panchayat and the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. From perusal of the FIR, it would manifest that there is no specific allegation against the petitioner, rather the same is against the son of the petitioner. Victim in her statement recorded under Section 183 of the BNSS, 2023 has not stated anything specific against the petitioner. No case is made out against the petitioner under the offences of SC/ST Act as the petitioner has not abused the informant in the public place. Charge sheet has already been submitted in this case. Petitioner bears no criminal antecedent. Other co-accused has been granted bail by this Court vide order dated 15.10.2025, passed in Cr. Misc. No. 51116 of 2025.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the rival submissions made by the learned counsel for the parties, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.15,000/-



(Rupees Fifteen 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. 28 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS, 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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