

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64333 of 2025

Arising Out of PS. Case No.-16 Year-2024 Thana- SIDHWALIYA District- Gopalganj

Dilip Kumar @ Deelip Kumar Son of Late Manoj Kumar @ Manoj Prasad @ Shivnath Prasad R/o Village - Salempur, P.S. - Sidhwaliya, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi Wife of Aash Narayan Ram R/o Village - Salempur, P.S. - Sidhwaliya, District - Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devashish Giri, Advocate
For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 02-02-2026 Heard Mr. Devashish Giri, learned counsel for the petitioner and Ms. Renu Kumari, learned APP for the State.

2. The petitioner seeks bail in connection with Sidhwaliya P.S. Case No. 16 of 2024 instituted for the offence under Sections 376(3), 366(A) & 34 of the Indian Penal Code and Sections 4 & 7 of the POCSO Act. Vide order dated 28.04.2025, passed in Cr. Misc. No. 20035 of 2025, anticipatory bail of the petitioner was dismissed as withdrawn.

3. The present FIR has been instituted pursuant to the direction of the learned Special POCSO Court on a complaint alleging that the minor victim was kidnapped by the accused persons in furtherance of a criminal conspiracy, forcibly taken to



Jaipur, subjected to threats, assault and sexual exploitation under the guise of a sham marriage, and later returned to the village under pressure.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 02.07.2025. Petitioner bears no criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case solely on account of being an agnate of the main accused, despite long-standing separation and no active role in the alleged offence. The FIR and subsequent statements themselves show that the victim voluntarily accompanied the main accused and no allegation of sexual assault is attributed to the petitioner, whose role is at best omnibus and contradictory. The inordinate and unexplained delay in lodging the complaint, coupled with material inconsistencies between the FIR, Section 161 and Section 164 Cr.P.C. statements, clearly demonstrates false implication after deliberation. Charge sheet has already been submitted in this case.

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



7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no specific allegation against the petitioner and charge-sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sidhwaliya P.S. Case No. 16 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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