IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 66968 of 2026

CNR No. BRHC010928122026

Arising Out of PS. Case No.-38 Year-2025 Thana- MAHILA P.S BAGHA District- West Champaran

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Subhash Harijan @ Subhash Ram S/O Late Salik Ram R/O Village- Gola Tola, P.O.- Madhubani, P.S.- Dhanaha, Distt.- West Champaran at Bettiah.

... ... Petitioner/s

Versus

1. The State of Bihar
2. XXY D/O Late Ramadhar Thakur R/O and P.O.- Madhubani, P.S.- Dhanaha, Distt.- West Champaran at Bettiah.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Ms. Diksha Kumari, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, A.P.P.
For the Informant : Ms. Kumari Pallavi, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

3 04-11-2026 Heard Ms. Diksha Kumari, learned counsel for the petitioner, Kumari Pallavi, learned counsel for the informant and Mr. Pramod Kumar Pandey, learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner has filed a supplementary-affidavit.

3. The same is kept on record.

4. Petitioner seeks bail who is in custody since 30.04.2026 in connection with Bagaha Mahila P.S. Case No. 38 of 2025 for the offences punishable under Sections 126(2), 115(2), 65(1), 351(2) of BNS, 2023 and Section 4 of the

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POCSO Act.

5. The prosecution case, in brief, is that on 29.08.2025, at about 11:00 in the morning, the informant saw a mobile phone with his daughter X (Victim Girl), aged about 16 years, and asked her from where did you get the mobile phone, then the victim-girl told that this mobile phone was given to me by one Subhash Harijan (Petitioner). On checking the said mobile phone, the number in the phone is found to be 9214779840 and the SIM was registered in the name of Subhash Harijan. When, the informant went to the house of the petitioner with a black colored keypad mobile phone of Jio Bharat company with a camera and inquired from him, he started abusing the informant and threatened him saying that "I have made obscene videos of your daughter. If any kind of case is filed against me, I will make the videos viral". After that, when the informant came home, he took his daughter into confidence and asked her. When he inquired, his daughter told him that Subhash Harijan's daughter-in-law namely Seema Devi (co-accused) used to seduce me and get me sexually exploited with her father-in-law Subhash Harijan (Petitioner) and used to make videos of it. She alleged that the petitioner and his daughter-in-law Seema Devi used to force me to make physical relation again and again by

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threatening me. She further stated that she did not tell anything to anyone in my house due to the fear of the video going viral. The informant has suspicion that the petitioner was conspiring with his daughter to kill him and was trying to lure my daughter away by increasing her age on her Aadhaar Card. Hence, this F.I.R.

6. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. It is further submitted that the allegation as alleged in the FIR is forged and fabricated and the petitioner has not committed any offence as alleged in the FIR. It is next submitted that, as per the allegations made in the FIR, the petitioner and his daughter-in-law, namely, Seema Devi, used to force the victim girl to establish physical relations with the petitioner. Learned counsel for the petitioner further submits that the trial has commenced and the victim has already been examined before the learned Trial Court as Witness No. 1. However, she has not supported the prosecution case and has been declared hostile. Learned counsel for the petitioner next submits that police after investigation has submitted charge-sheet and petitioner has been in custody since 30.04.2026.

7. The learned Additional Public Prosecutor for State

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and learned counsel for the informant have vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and victim has not supported the case of the prosecution in her trial, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ-cum-Special Judge, POCSO VII, Bettiah, West Champaran in connection with Bagaha Mahila P.S. Case No. 38 of 2025, 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 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 tampers with the evidence or the witnesses, 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

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criminal antecedent, 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.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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