**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.65543 of 2026**

**CNR No. BRHC010941622026**

Arising Out of PS. Case No.-497 Year-2025 Thana- PHULPARAS District- Madhubani

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Pankaj Kumar Sah S/o Kameshwar Sah @ Kameshwar Sahu @ Kamesar Sahu R/o Village - Tamuriya, Bathnaha, P.S - Lakhnaur, District - Madhubani

... ... Petitioner/s

Versus

1. The State of Bihar
2. X W/o Y R/o Village - Brahampura, P.S - Ghogharadiha, District - Madhubani

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate
For the State : Mr. Syed Mojibur Rahman, APP
For the Informant : Mr. Prakash Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR**

ORAL ORDER

3 30-10-2026 Heard learned counsel appearing on behalf of the petitioner, learned A.P.P. appearing on behalf of the State and learned counsel appearing for the informant.

2. Petitioner is in custody in connection with Phulparas P.S. Case No. 497 of 2025 registered for the offence punishable under Sections 137(2), 96, 65(1) of the BNS and Sections 4/6 of the POCSO Act.

3. As per the allegations made in the FIR, on 02.12.2025 at about 10:00 PM, when the informant's minor daughter went to attend the call of nature, two persons namely Priyanshu Kumar (co-accused) and Pankaj Kumar (petitioner), kidnapped her on a scooter and Priyanshu Kumar committed

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rape upon her. The co-accused and petitioner took her away during this period. During the search, the informant received information from the mobile phone of her minor daughter that she is before the Sangram O.P. It is further alleged that the informant went to Sangram O.P. and took her minor daughter to her house. It is further alleged that her minor daughter disclosed that the petitioner and co-accused Priyanshu Kumar took her away to a lonely place and co-accused Priyanshu Kumar committed rape upon her. After hearing about the entire incident from her minor daughter, the informant filed an application before the concerned Police Station.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has been falsely implicated in the present case merely on the basis petitioner being friend of accused Priyanshu Kumar upon whom there is specific allegation of committing rape. It is also submitted that the petitioner has been in custody since 25.07.2026 and has no criminal antecedent. Charge sheet has already been filed. On these grounds, learned counsel prays that the petitioner be enlarged on regular bail.

5. The learned A.P.P. appearing on behalf of the State and the learned counsel appearing for the informant vehemently

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oppose the prayer for bail and submit that the petitioner accompanied the victim in the alleged crime and the co-accused Priyanshu Kumar forcibly established physical relations with the victim. Furthermore, the statement of the victim recorded under Section 183 supports the case of the prosecution wherein she stated that the petitioner helped the co-accused in the commission of the crime. Charges have been framed on 20.08.2026. Therefore, the petitioner does not deserve the privilege of regular bail.

6. Having heard the learned counsel for the parties and perused the record of the case as well as the statement of the victim recorded under Section 183 of the BNSS in which she has not alleged the commission of rape against the present petitioner and the only allegation against the petitioner is that he accompanied the co-accused and taking into consideration the period of custody and the fact that the charge has been framed on 20.08.2026, this Court is inclined to enlarge the petitioner on bail

7. Let the petitioner above named 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 learned District and Additional Sessions Judge VII-cum-Special

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Judge (POCSO), Madhubani in connection with Phulparas P.S. Case No. 497 of 2025, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also 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 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 bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Girijish Kumar, J)**

Prakash/-

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