

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 69868 of 2024

Arising Out of PS. Case No.-52 Year-2024 Thana- SANICHARI District- West Champaran

Pawan Kumar, S/O Surendra Mahto R/O Village- Mathiya Rasulpur, P.S-
Sanichari, Distt.- West Champaran. Petitioner/s

Versus

1. The State of Bihar.
2. Baleshwar Mahto S/O Bhukhal Mahto, R/O Village- Mathiya Rasulpur, P.S-
Sanichari, Distt.- West Champaran. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-02-2026 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner apprehending his arrest in
connection with Sanichari P.S. Case No. 52 of 2024
registered for the offences punishable under Sections 341,
323, 354-A, 354-B, 504/34 of the Indian Penal Code and
Section 8 of POCSO Act.

3. As per FIR, petitioner alleged to made an attempt
to commit rape upon the minor daughter of the informant
aged about 17 years, while she went to attend the call of
nature and when the occurrence was reported to the parents



of petitioner, the informant and his family members were assaulted and abused by them.

4. It is submitted by learned counsel appearing on behalf of the petitioner that land of the informant was mortgaged with father of the petitioner under oral agreement which was asked to release without fulfilling the agreed term and conditions and when the same was objected by the father of petitioner, the present false case was lodged by the informant making his daughter instrumental. It is submitted that alleged occurrence took place in early morning of 12.06.2024 at about 6:00 AM but the FIR in issue was lodged on 05.08.2024 i.e. after about two months of the occurrence, which only suggest false implication being afterthought.

5. Learned APP while opposing the prayer of bail submitted that the allegation is specific against the petitioner.

6. Let it be so, as FIR in issue lodged with a delay of about 53 days of the occurrence without having any just explanation, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be



released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge POCSO cum A.D.J.-VI, West Champaran, Bettiah/concerned Court, where the case is pending in connection with Sanichari P.S. Case No. 52 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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