

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71647 of 2024

Arising Out of PS. Case No.-122 Year-2024 Thana- PALASI District- Araria

Mithilesh Kumar Thakur @ Mithalesh Kumar Thakur S/o Vijay Thakur R/o
Village- Kachmoh, Ward No.8, P.S.- Palasi, Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh
For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 19-01-2026 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Palasi P.S. Case No. 122 of 2024 registered for the offences punishable under Sections 341, 323, 354, 354 (C), 354 (D) and 504/34 of the Indian Penal Code.

3. As per FIR, petitioner alleged to kidnap the informant aged about 17 years while she went to attend the call of nature on 31.03.2024 at about 5:30 PM and under threat of knife she was brought to the house of petitioner where she was confined for hours, where informant was rescued by her family members on the same day.

4. It is submitted by learned counsel appearing on behalf of the petitioner that allegation of using knife is false and



concocted for the reason as prior to lodging of this FIR on 04.04.2024 for the occurrence dated 31.03.2024 the informant and his family members assaulted petitioner and his family members for trespassing their house for which case has been registered as Palasi P.S. Case No. 116 of 2024 dated 01.04.2024 for the offence punishable under Sections 147, 149, 341, 323, 307, 379, 427 and 504 of the IPC. It is submitted that just to counter aforesaid criminal prosecution, present case has been lodged against petitioner and his family members by making informant instrumental by her parents three days after the occurrence. It is also submitted that even from the FIR the allegation of sexual assault not appears convincing and therefore present FIR was not registered under POCSO Act. While concluding argument, it is submitted that above named petitioner is a man of clean antecedent.

5. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that allegation is specific against this petitioner. It is submitted that allegation is also supported by informant while recording her statement under Section 183 of the BNSS.

6. In view of aforesaid factual submission and by taking note of fact as present occurrence appears lodged after three days



of lodging of Palasi P.S. Case No. 116 of 2024, prima-facie suggesting a counter approach of the informant as to lodge present case, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, 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 J.M. 1st Class, Araria/concerned Court, where the case is pending in connection with Palasi P.S. Case No. 122 of 2024 , subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS with further condition :-

(I). Petitioner shall not influence any witnesses or contact victim in any manner or through social media, failing which informant shall be at liberty to press before the learned Trial Court for cancellation of bail bond of the petitioner, which shall be decided by the learned Trial Court, itself after giving opportunity of hearing to the petitioner.

(Chandra Shekhar Jha, J.)

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