

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66410 of 2025

Arising Out of PS. Case No.-246 Year-2024 Thana- DALSINGHSARAI District- Samastipur

Raju Das @ Raju kumar Son of Naresh das Resident of Vill. - Gado Bajidpur,
P.S. - Dalshingsarai, Dist. - Samastipur. Petitioner/s
Versus

1. The State of Bihar
2. Nitish Kumar Son of Ramdayal Singh Resident of Village- Basarhiya, P.S.-
Dalsinghsarai, Samastipur
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-03-2026 Despite valid service of notice, no one appeared on
behalf of Opposite Party No.2.

2. Heard Mr. Sheo Kumar Prasad, learned counsel for
the petitioner as well as Mr. Bishweshwar Ram, learned
Additional Public Prosecutor for the State.

3. Petitioner seeks bail who is in custody since
25.06.2025 in connection with Dalsinghsarai P.S. Case No. 246 of
2024, F.I.R. dated 29.07.2024 for the offences punishable under
Sections 76, 115(2), 109, 123, 3(5), 238 of the Bharatiya Nyay
Sanhita, 2023 and 8, 12 of the POCSO Act.

4. According to prosecution case, the informant alleged
that the petitioner along with other co-accused persons took her the
sister of the informant out from the house and committed rape with
her and in order to destroy evidence gave poison to the victim.



5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners has not committed any offences as alleged in the F.I.R and for the same set of allegation, co-accused, Abhishek Das @ Abhishek Kumar has been granted the privilege of bail by the co-ordinate Bench of this Court vide order dated 16.09.2025 in Cr. Misc. No. 46741 of 2025. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 25.06.2025.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances and the fact that similarly situated co-accused person has been granted the privilege of bail by the co-ordinate Bench of this Court, 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 Additional Sessions Judge-VI-cum-Special court (POCSO), Samastipur in connection with Dalsinghsarai P.S. Case No. 246 of 2024, 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 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)

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