IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68812 of 2026

CNR No. BRHC010979882026

Arising Out of PS. Case No.-112 Year-2026 Thana- WARISLIGANJ District- Nawada

==========

Rajiv Kumar S/o Late Surendra Prasad R/o Village - Chakway, Balwapar, P.S.- Warisaliganj, District- Nawada

... ... Petitioner/s

Versus

1. The State of Bihar
2. XXX C/o YY R/o Village- Jalalpur, P.S. - Warisaliganj, District- Nawada

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the State : Mrs. Sharda Kumari, APP
For the O.P. No. 2 : Mr. Tarun Kumar, Advocate

==========

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 06-11-2026 Heard learned counsel for the petitioner and learned APP for the State as well as learned counsel for the opposite party no.2

02. In the present case, the petitioner seeks bail in connection with Warisaliganj P.S. Case No. 112 of 2026 registered for the alleged offences under Sections 126(2), 115(2), 351(2), 352, 65(2), 351(3), 74 of Bharatiya Nyaya Sanhita, 2023 and Sections 4, 6, 8, 10 and 12 of the POCSO Act.

03. As per prosecution case, the minor informant named one Gulshan Kumar for committing rape with her when she went to meet his sister. The said person also made a video of

WEB COPY

the informant in nude condition and started blackmailing her forcing her to make repeated sexual contact. Subsequently, during investigation, the name of the petitioner came up in this case as the person who actually committed rape with the girl.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has been made accused in this case without any involvement. The petitioner is the husband of the cousin of the informant and he stays in Surat in connection with his work as *Jariwala* and he used visit his village only on the occasion of *Chhath Puja* and also used to visit his in-laws place in that period. The allegation made by the informant against the petitioner is not believable that with the help of his wife, he committed rape with the informant. Except for the statement made by the victim before the learned Judicial Magistrate under Section 183 of BNSS, there is no material to show the involvement of the petitioner in the present case. Learned counsel further submits that the informant has first compromised the case with Gulshan Kumar and now, she has also compromised the case with the petitioner. Though there is allegation that the petitioner made the informant pregnant and she has undergone abortion, no material has come on record to

WEB COPY

support such allegations. Rather, in the medical report, no evidence of physical assault was found. Learned counsel further submits that the petitioner is having clean antecedent and he is in custody since 21.08.2026. Charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioner. Learned APP submits that there is specific allegation in the statement of the victim under Section 183 of BNSS for committing rape with the informant and also blackmailing her. However, learned counsel for the informant submits that the matter has been compromised and, he has been instructed that the informant or her family does not want to proceed with the matter and she does not oppose the prayer for bail of the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the varying statement of the informant firstly implicating a different person and thereafter, this petitioner and also considering the possibility of false accusation and further considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount

WEB COPY

each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge, POCSO Act, Nawada/court concerned in connection with Warisaliganj P.S. Case No. 112 of 2026, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Ashish/-

U		T	

WEB COPY