

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75481 of 2025

Arising Out of PS. Case No.-312 Year-2025 Thana- BIDUPUR District- Vaishali

Mukul Kumar S/o Jay Prakash Singh R/o Village - Chandpura Saidabad, P.S -
Bidupur, District - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vishal Kumar S/o Shivchandra Rai R/o village - Harpur Gopal, P.S -
Bidupur, District - Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vasant Vikas, Advocate
For the Informant	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 25-03-2026 Heard Mr. Vasant Vikas, learned counsel for the

petitioner, Mr. Abhishek Kumar, learned counsel for the

Informant and Mr. Bhanu Pratap Singh, learned APP for the

State.

2. Petitioner seeks bail, who is in custody since
25.05.2025, in connection with Bidupur P.S. Case No. 312 of
2025, F.I.R. dated 05.05.2025 registered for the offences
punishable under Sections 137(2), 3(5) of the B.N.S., and after
investigation charge sheet has been submitted against the
petitioner under Sections 137(2), 96, 75, 78, 62 of the B.N.S.
and Sections 8, 12 of the POCSO Act.

3. Allegation against the petitioner is that he along



with other co-accused persons have kidnapped the sister of the informant.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. but the police after investigation submitted charge sheet under Sections 137(2), 96, 75, 78, 62 of the B.N.S. and Sections 8, 12 of the POCSO Act and apart from aforesaid from perusal of the F.I.R. it appears that the date of occurrence as alleged in the F.I.R. is 02.05.2025 but the present F.I.R. was instituted on 05.05.2025 after delay of three days without giving any explanation of delay. The victim was recovered from the Muzaffarpur Railway Station and from perusal of the statements which were recorded under Sections 180 of the B.N.S.S., 2023 as well as 183 of the B.N.S.S, 2023 which suggests that both the statements are contradictory to each other and apart from that the victim has refused for her medical examination and statement of the victim which was recorded under Section 183 of the B.N.S.S., 2023 in which she has not stated anything about the sexual assault. Learned counsel for the petitioner further



submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 25.05.2025.

5. Learned counsel for the Informant as well as learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and the victim has refused for her medical examination and she has not stated anything about the sexual assault, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-VI-cum-Special Judge POCSO, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 312 of 2025, subject to the following conditions :-

(1) 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.



(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 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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