

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75810 of 2025

Arising Out of PS. Case No.-50 Year-2024 Thana- Banma Itahari District- Saharsa

Hemant Kumar S/o Manoj Bhagat R/o Vill- Banma Dih Tola, Ward No. 14,
P.S.- Banma Itahari, Distt- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pramila Devi W/o Baiju Thakur R/o Vill- Banma Dih Tola, Ward No. 14,
P.S.- Banma Itahari, Distt- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
Ms. Pooja Prasad, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

- 5 09-01-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State. Despite valid service of notice indicating that the same was received by opposite party no.2 in person, no one is present on behalf of opposite party no.2.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 365, 366-A and 376 of the Indian Penal Code and Section 8/12 of the POCSO Act.
3. By the present application, the petitioner has renewed his prayer for anticipatory bail. Earlier vide detailed order dated 11.04.2025 passed in Cr. Misc. No.77565 of 2024, the prayer of the petitioner was rejected, while the petitioner no.2, who is the



father of the petitioner, was granted the privilege of anticipatory bail.

4. It is submitted by learned counsel for the petitioner that a fresh ground of consideration for anticipatory bail has arisen which has been brought on record is that the petitioner suffers from 75% of disability as his left leg has been amputated beyond thigh as is evident from the photograph of the petitioner which has also been brought on record. The unique disability ID issued by the Government of India has also been annexed as Annexure-P/3 to this application. It is submitted that with such kind of disability the allegations made against the petitioner does not seem to be probable. It is also a fact that the F.I.R. was recorded after delay of about one month which has been recorded in the earlier order dated 11.04.2025 and enmity also persisted between the parties who are neighbours on account of some transaction of money coupled with the fact that no medical examination of the victim girl was undertaken in order to substantiate the allegations levelled in the complaint petition.

5. Learned APP for the State opposed the prayer for bail.

6. Taking into consideration the facts and circumstances of the case and especially the fact that fresh ground of physical



disability of the petitioner has been raised which was not placed earlier for consideration, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Banma Itahari P.S. Case No. 50 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., subject to further condition that

(i) One of the bailors would be close relative/family members of the petitioner.

(ii) The petitioner will cooperate in the investigation and trial and in case of any act of non-cooperation, the opposite party no.2 would be at liberty to move an application for cancellation of bail bonds of the petitioner.

(Soni Shrivastava, J)

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