IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79640 of 2026
CNR No. BRHC011152222026
Arising Out of PS. Case No.-21 Year-2024 Thana- Cyber P.S. District- Kishanganj

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Harendra Chaurasia Son of Umesh Mandal Resident of Village- Dukha Toli, P.S.- Gogri, District- Khagaria.

... Petitioner/s

Versus

1. The State of Bihar Bihar
2. Mampu Kumari Yadav D/O Govind Lal Yadav Resident of Village- Tatpauwa, Ward No. -9, P.S.- Sukhanu, District- Kishanganj.

... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Santosh Kumar Singh, Adv.
For the Opposite Party/s : Mr.Murli Dhar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

2 05-11-2026 Heard learned counsel for the petitioner, learned counsel for the informant as well as learned A.P.P. on behalf of the State.

2. The petitioner has been made an accused in a case registered for the offences punishable under Sections 354(C), 385, 376, 504/34 of the I.P.C. and 67(A) of the I.T. Act.

3. As per the allegations made in the F.I.R., the informant has levelled allegations against the petitioner stating that, on the promise of marriage, he established physical relations with her and allegedly committed rape upon her.

4. Learned counsel for the petitioner submits that the statement of the victim has been recorded under Section 183 of the B.N.S.S. In her statement, although she has admitted that she had lodged the present case against the petitioner, she has also stated that she does not wish to pursue the case any further as her studies are being affected. Learned counsel further

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submits that the victim has thus categorically stated in her statement recorded under Section 183 of the B.N.S.S. that she does not wish to pursue the prosecution against the petitioner. Learned counsel appearing for the informant does not dispute the aforesaid submission and also agrees with the contention raised on behalf of the petitioner. Learned A.P.P. on behalf of the State also has advanced his submissions to this effect. Learned counsel further submits that the petitioner has a clean antecedent.

8. The petitioner has been in judicial custody since 24.08.2026.

10. Taking into consideration that the statement of the victim recorded under Section 183 of the B.N.S.S., wherein she has specifically stated that she does not want to pursue the matter, her refusal to undergo medical examination, as well as the entire facts and circumstances of the case, the petitioner, above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Court of C.J.M., Kishanganj or the concerned Court, in connection with Kishanganj Cyber P.S. Case No. 21 of 2024, subject to the following conditions:-

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(i) The petitioner shall cooperate in the disposal of the trial.

(ii) One of the bailors must be a close relative of the petitioner, such as his mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) If the petitioner repeats an offence of a similar nature, his bail bond shall be liable to be cancelled by the Court below after following due process of law.

(v) Before release, the learned Court below shall verify the criminal antecedent of the petitioner and if the petitioner is found involved in any case other than the present one, his bail bond shall not be accepted.

(vi) It is also made clear that there shall be no delay in verifying the criminal antecedents of the petitioner and the delay shall not extend beyond the period of ten days.

(Raj Kumar, J)

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