

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82489 of 2025

Arising Out of PS. Case No.-98 Year-2025 Thana- CHAUTHAM District- Khagaria

Bipin Mistri @ Bipin Kumar Mistri S/o Shibu Mistri R/o vill - Thuthi
Mohanpur, P.S.- Choutham, Distt.- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Kumari Under the guardianship of the father one Bablu Sahini, S/o Jay Kumar Sahni, R/o vill - Thuthi Mohanpur, P.S.- Choutham, Distt.- Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Advocate

For the Opposite Party/s : Ms.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 25-03-2026 Despite valid service of notice upon opposite party

No.2, no one appears on behalf of opposite party No.2.

2. Heard Mr.Mritunjay Kumar, learned counsel for the petitioner and Ms.Rina Sinha, learned Additional Public Prosecutor for the State.

3. The petitioner seeks bail, who is in custody since 10.06.2025 in connection with POCSO Case No. 78/2025 arising out of Choutham P.S. Case No. 98 of 2025, F.I.R. dated 23.04.2025 registered for the offence punishable under Sections 96,3(5)of BNS and Section 8 of the POCSO Act.

4. As per allegation from the F.I.R it appears that the petitioner along with co-accused Hadwa and Juned Alam



brought the victim at the house of his sister one Punam Devi when the victim went to call of nature on 21/4/2025 at 8 P.M and subsequently the father, grand-mother of victim and some other villagers came and brought the victim at her house but nothing bad activities have been done.

5. Learned counsel appearing for the petitioner submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. The victim was recovered and her statement was recorded under Section 183 of BNSS,2023. Learned counsel for the petitioner submits that the date of occurrence as alleged in the FIR is 21.04.2025, the victim was returned to her house on 22.04.2025 and the FIR has been instituted on 23.04.2025 which suggests that afterthought the present FIR has been instituted, apart from that, the victim has not been produced before the police and she has been produced before the police on 24.04.2025 on which date her statement was recorded under Section 183 of BNSS,2023. Further submits that co-accused person, namely, Poonam Devi, who happens to be the sister of the petitioner, has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 10.12.2025 passed in Cr. Misc. No.66693 of 2025. The police, after investigation,



submitted the chargesheet against the petitioner and the petitioner is in custody since 10.06.2025.

6. Learned A.P.P. for the State, on the other hand, on the basis of the material available on the record and the case diary, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the supplementary affidavit.

7. Considering the aforesaid facts, the victim has not stated anything about the sexual assault against the petitioner, the FIR has been instituted after recovery of victim girl and co-accused person, namely, Poonam Devi, who happens to be the sister of the petitioner, has been granted bail by a Coordinate Bench of this Hon'ble 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 learned Special Judge, POCSO Act, Khagaria in connection with POCSO Case No. 78/2025 arising out of Choutham P.S. Case No. 98 of 2025, with 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/her absence on two consecutive dates without sufficient reason, his/her 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)

Nitesh/-

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