

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83746 of 2025

Arising Out of PS. Case No.-398 Year-2025 Thana- BARHARIA District- Siwan

=====

Shailesh Giri @ Shailendra Giri Son of Late Devi Dayal Giri Resident of
village -Mushehari Tola PS -Barharia District -Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dharampal Kumar Singh son of Late Saroj Singh Resident of village
-Mushehari Tola PS -Barharia District -Siwan

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Dr. Ranjeet Kumar, Advocate Mr. Kanishk Kaustubh, Advocate Ms. Lakshmi Kumari, Advocate
For the Opposite Party/s :		Mrs. Anita Kumari, APP

=====

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 23-02-2026 Heard learned counsel for the petitioner and learned

APP for the State but, in spite of valid service of notice, none
appeared on behalf of opposite party no.2.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 137(2) and 87 of the
Bharatiya Nyaya Sanhita, 2023 and Section 4 & 6 of the
POCSO Act.

3. As per the prosecution case, the petitioner in
association of other co-accused is said to have kidnapped the
sister of the informant with an intention to solemnize marriage.

4. It is submitted by learned counsel for the
petitioner that the First Information Report was lodged after an
unexplained delay of 39 days and the victim herself made



appearance before the police on 09.09.2025, which would be evident from para-39 of the case diary. In her statement recorded under Section 180 BNSS, she has clearly stated that when she was conscious, no untoward incident had happened with her and the same kind of statement has also been given under Section 183 BNSS. So far as the age of the victim is concerned, the medical report indicates her age to be above 22 years and no evidence suggestive of recent sexual assault has also been opined therein. The reason for the false implication of the petitioner has been brought on record by way of Annexure-2, which indicates that there was a land dispute between the parties and cases against the informant and other family members were also filed by the relative of the petitioner. The petitioner has been languishing in custody since 28.09.2025 with no criminal antecedent.

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

6. Taking into consideration the facts and circumstances of the case and also considering the statements of the victim, the medical report coupled with the fact that there is a land dispute also between the parties, the above named petitioner is directed to be enlarged 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 the learned Court
below where the case is pending/successor Court in connection
with Barharia P.S. Case No.398 of 2025.

(Soni Shrivastava, J)

Trivedi/-

U		T	
---	--	---	--

