

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85850 of 2025

Arising Out of PS. Case No.-40 Year-2024 Thana- BADDI District- Rohtas

Jitendra Choudhary @ Jitendra Kumar S/o Lalbabu Choudhary R/o Village -
Aalam Pur, P.S - Baddi, District - Sasaram at Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. X D/O Y R/V - Alampur, P.S. -Baddi, Dist. - Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Dharmendra Kumar Singh, Advocate
For the Opposite Party/s :	Mr.Ramesh Chandra, APP
For the informant :	Mr. Babu Nandan Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 23-03-2026 Heard Mr.Dharmendra Kumar Singh, learned counsel

for the petitioner, Mr. Babu Nandan Prasad, learned counsel for
the informant and Mr.Ramesh Chandra, learned Additional
Public Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since
13.10.2025 in connection with Baddi P.S. Case No. 40 of 2024,
F.I.R. dated 04.11.2024 registered for the offence punishable
under Sections 126(2),115(2),76,305,358(2),351(1), 3(5) of
BNS,2023 and Section 12 of POCSO Act.

3. Allegation against the petitioner is that he tried to
commit rape upon the victim.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. The allegation



as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. As per allegation in the FIR against the petitioner is that he tried to commit rape upon the victim and thereafter he has beaten the victim but from a bare perusal of the injury report of the victim which suggests that the injury is simple in nature and no case is made out under Section 76 of the BNS, 2023. The police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 13.10.2025.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner in the FIR and apart from that, the trial has begun and the statement of the victim was recorded under Section 183 of BNSS, 2023 in which she has fully supported the case of the prosecution.

6. Considering the aforesaid facts, petitioner has clean antecedent, injury inflicted upon the victim is simple in nature and allegation against the petitioner is that he tried to commit rape upon the victim, 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 Additional District & Sessions Judge 6th-cum-Special Judge, POCSO, Rohtas in connection with Baddi P.S. Case No. 40 of 2024, 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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