

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84819 of 2025

Arising Out of PS. Case No.-34 Year-2025 Thana- MAHILA P.S. District- Samastipur

Gautam Kumar @ Gautam Kumar Ray S/o- Ram Kumar Ray @ Ram Kumar
Rai R/v- Jitwarpur Kumhra Ps- Sarairanjan Dist- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX D/o- Pramod Ram R/v- Jitwarpur Kumhra Ps- Sarairanjan Dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar, Advocate
Mr. Mahendra Pratap, Advocate
For the Opposite Party/s : Mrs. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 23-04-2026

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 34 of 2025 dated 06.05.2025 registered under Section 69 of the B.N.S. 2023 read with Section 4, 6 of the POCSO Act and Section 3(1)(w), 3(2)(v) of the Scheduled Caste and Scheduled Tribe Prevention of Atrocities Act.

3. As per the F.I.R. the victim has alleged that on 03.05.2025 the co-accused / Amar Kumar called her on her mobile phone and asked her to meet him nearby a 'lichi' orchard. At about 9:00 P.M. the victim arrived at the 'lichi' orchard where she saw the petitioner and the co-accused / Amar



Kumar. It has further been alleged that Amar Kumar established physical relationship with the informant on the pretext of marriage. The victim has stated in F.I.R. that she was having love relationship with Amar Kumar and on the pretext of marriage he used to establish physical relationship with the informant and when the victim girl called Amar Kumar and asked her to perform marriage, he refused to identify her.

4. Learned counsel for the petitioner submits that petitioner has not committed any offence as alleged in the F.I.R. The victim has clearly stated that Amar Kumar had love relationship with the victim and he had promised the victim to solemnize marriage. On the pretext of marriage, it was Amar Kumar, who established physical relationship with the victim girl. There is no allegation in the F.I.R. that the petitioner also established any physical relationship with the informant. It has been stated in the F.I.R. that petitioner was standing away from the place where both co-accused / Amar Kumar and the victim girl was having physical relationship. In the statement of the victim girl recorded under Section 183 B.N.S.S. she has stated that Amar Kumar had established physical relation as well as this petitioner but subsequently in the same breath she has said that petitioner did not establish any relation with her.



5. Despite service of notice, no one appeared for the opposite party no. 2.

6. Learned counsel for the State opposed the prayer for bail and submits that the petitioner is named in the F.I.R. and he was present around the place of occurrence.

7. Regard being had to the submission made by the parties, taking into consideration the nature of allegation against the petitioner as well as statement of the victim girl recorded under Section 183 of the B.N.S.S., I am inclined to grant anticipatory bail to the petitioner.

8. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the 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 learned Additional Sessions -VI cum Special Court (POCSO), Samastipur in connection with Mahila P.S. Case No. 34 of 2025 subject to the condition as laid down under Section 482 (2) of the B.N.S.S. 2023.

(Anil Kumar Sinha, J)

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