

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87552 of 2025

Arising Out of PS. Case No.-109 Year-2025 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Amar Kumar @ Amar Kumar Chaudhary S/o- Ganesh Chaudhary Resident of
village- Hussainchak ward no 2 PS- Simri Bakhtiyarpur District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vinod Choughary, Son of Chandeshwari Choudhary, R/o Village-
Hussainchak ward no 2 PS- Simri Bakhtiyarpur District- Saharsa

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Rashmi Jha, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-03-2026 Heard Ms.Rashmi Jha, learned counsel for the

petitioner and Mr.Binod Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner seeks bail, who is in custody
since 27.05.2025 in connection with Spl. (POCSO) Case
No. 82 of 2025 arising out of Bakhtiyarpur P.S.Case No.
109 of 2025, F.I.R. dated 22.03.2025 registered for the
offence punishable under Sections 126(2),115(2),64,62,3(5)
of BNS and Sections 8 and 12 of the 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. It appears from the FIR that the so called date of occurrence as alleged in the FIR is 05.03.2025 but the present FIR has been instituted on 22.03.2025 after delay of about 18 days without giving any explanation of delay and apart from that, from a bare perusal of the FIR it appears that the petitioner has not made physical relationship with the victim and allegation against the petitioner is that he tried to commit rape upon the victim. Further submits that the charge has been framed against the petitioner on 02.09.2025 and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 27.05.2025.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 183 of BNSS, 2023 in which she has supported the case of the prosecution, apart from that, the



date of birth of the victim is 21.02.2007 which suggests that on the date of occurrence the victim was minor.

6. Considering the aforesaid facts, 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 , Saharsa in connection with Spl. (POCSO) Case No. 82 of 2025 arising out of Bakhtiyarpur P.S.Case No. 109 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)

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