

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88572 of 2025

Arising Out of PS. Case No.-42 Year-2025 Thana- DHOLBAJJA District- Bhagalpur

Shivam Kumar S/o Ramanand Mandal @ Ramanand Sagar R/v- Milki Tola
Dholbazza Ps- Dholbazza Dist- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. X W/o- Y R/v-Milki, Ps- Dholbazza Dist-Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 25-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 126(2), 115(2), 76, 352, 351(2) and 3(5) of BNS and Section 8 of the POCSO Act.

3. The case of the prosecution is that the victim of this case who is minor girl was sleeping in her room, in the meanwhile, the petitioner entered her room being armed with three nut. It is further alleged that he attempted to commit rape with minor girl. Meanwhile, the minor girl raised alarm and the informant went there, she attempted to catch the petitioner but he fled from there threatening her.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner has submitted that actually the petitioner and the victim were having relationship and that no such offense has been committed. During course of investigation, the victim has given her statement recorded under Sections 180 and 183 of BNSS. She has stated in her statement under Section 183 of BNSS that the petitioner has entered her house and has committed rape with her. After that, when she raised alarm, her father came and apprehended him. He fled away from there. She has further stated that she was having affair outside marriage with the petitioner from a year and that petitioner was forcefully establishing relationship from last year on the false promise of marriage and as he has denied for marriage, this case has been filed. From perusal of the FIR, it is clear that it is alleged that petitioner is alleged to have entered the house with a three nut and that the informant has attempted to apprehend him whereas in the statement under Section 183 of BNSS, the victim has not stated that the petitioner was having a weapon when he entered her room. She has also stated that her father tried to apprehend him whereas as per FIR, the informant of this case tried to apprehend him. The FIR and statement of



the victim do not correlate with each other. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 30.05.2025.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Dholbazza P.S. Case No. 42 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (POCSO) cum District and Additional Sessions Judge-7th, Bhagalpur.

(Ashok Kumar Pandey, J)

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