

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90400 of 2025

Arising Out of PS. Case No.-121 Year-2025 Thana- MAINATAND District- West Champaran

Sachin Kumar S/O Dinesh Paswan R/O - Thakur Tola, Ward No.-03, P.S.-
Lauriya, District- West Champaran at Bettiah

... .. Petitioner/s

Versus

1. The State of Bihar
2. X S/o Y R/O Vill.- Langadi (Bastha),P.S- Mainatand,Dist- West Champaran,
Bettiah

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y. V. Giri, Sr. Advocate Mr. Devashish Giri, Advocate Mr. Sumit Kumar, Advocate
For the State	:	Mr. Rana Randhir Singh, APP
For the O.P. No. 2	:	Mr. Avinash Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

- 3 20-02-2026 Heard learned senior counsel appearing on behalf of

the petitioner and learned counsel for the opposite party no.

2/informant as well as learned APP for the State.

02. In the present case, the petitioner seeks bail in connection with Mainatand P.S. Case No. 121 of 2025 registered for the alleged offences under Sections 103(1), 70(2), 66 r/w 3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 4 & 6 of the POCSO Act.

03. As per prosecution case, the informant/opposite party no. 2 received a phone call regarding his minor daughter being admitted in GMCH. The informant reached there and



found his daughter to be unconscious and on inquiry, he came to know that 2-3 boys committed rape with his daughter and left her in unconscious state at the hospital and fled away. Subsequently, daughter of the informant died. The name of the petitioner transpired during investigation for being involved in the said occurrence.

04. Learned senior counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The whole case is based on circumstantial evidence and the confessional statement of co-accused and also the confessional statement of the petitioner. But, even from the confessional statements, there is no allegation that the petitioner committed rape with the deceased girl. The petitioner has been roped in the present case on the basis of his call details report as he was in regular touch with co-accused, Bholu Kumar, but the same is quite natural as Bholu Kumar is one of the friends of the petitioner. Learned senior counsel further submits that even in the confessional statement of co-accused, Bholu Kumar, it has only come that the petitioner helped him by giving money for booking a room in a hotel and the co-accused entered into sexual act with the minor girl of the informant and she started bleeding and subsequently, she was taken to hospital and where



she died. Learned senior counsel further submits that no DNA test report has come on record to show the involvement of the petitioner. Even charge-sheet has been submitted in most mechanical manner. The petitioner is a 21 years old boy having clean past and he is a student. The petitioner is in custody since 22.06.2025 and charge-sheet has been submitted.

05. Learned counsel for the informant/opposite party no. 2 as well as learned APP for the State vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that from the confessional statement of petitioner and co-accused, it is apparent that there was an intention of the petitioner to commit rape with the minor daughter of the informant and for this purpose, he contributed money for getting a room booked. Learned counsel further submits that DNA reports are yet to come and the petitioner should be made to face rigors of trial.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation and the materials collected against the petitioner and further considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to be



released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge (POCSO), West Champaran, Bettiah/court concerned in connection with Mainatand P.S. Case No. 121 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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