

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5703 of 2025

Arising Out of PS. Case No.-453 Year-2024 Thana- BIKRAM District- Patna

Sunny Kumar @ Sanny Kumar S/o- Sarvesh Yadav @ Sarveshwar Yadav
Village- Abgilla PS-Naubatpur Distt- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Satendra Prasad S/o- Late Diplal Yadav R/o- Wazirpur Ps- Bikram Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Tiwary, Adv.
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP
For the Informant : Ms. Jyoti Kumari, Adv.
Mr. Kaushal Kishor, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 30-04-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with

Bikram P.S. Case No. 453 of 2024 instituted for the offences

under Sections 126(2), 352, 351(2)(3), 3(5) of the B.N.S.,

2023 and Sections 8, 12 of the POCSO Act and Section 66(E)

of the I.T. Act.

3. As per prosecution case, the accusation against



the accused persons including the petitioner is of molesting the 14-year-old minor daughter of the Informant at the gate of her school and forcibly taking their photographs with her and made them viral.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that there is delay of two days in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. There is no medical report of the victim as she has denied for the medical examination. The petitioner is a auto driver. The petitioner has no concern with the alleged occurrence. There is no specific allegation of any overt act or molesting the victim girl against the petitioner rather the same is general and omnibus in nature. The petitioner has no criminal antecedent and is languishing in judicial custody since 9.11.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State



and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The victim girl is minor. The victim girl in her statements recorded under Sections 180 and 183 of the B.N.S.S. has fully supported the prosecution case. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner for offence under Sections Sections 126(2), 352, 351(2)(3), 3(5) of the B.N.S., 2023 and Sections 8, 12 of the POCSO Act and Section 66(E) of the I.T. Act.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with Bikram P.S. Case No. 453 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family



members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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