

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8448 of 2025

Arising Out of PS. Case No.-253 Year-2024 Thana- CHARPOKHARI District- Bhojpur

Niraj Kumar S/o- Shatrughan Singh Village- Barani, P.S. Charpokhari, Distt. Bhojpur, Pin code 802223

... .. Petitioner/s

Versus

1. The State of Bihar
2. Butan Sah S/o- Sri Badhai Sah Village- Barani, P.S. Charpokhari, Distt. Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pawan, Advocate Mr. Ravi Ranjan, Advocate Mr. Neeraj Kumar, Advocate
For the Opposite Party/s	:	Mr. Satya Nand Shuklam, APP
For the Informant	:	Mr. Fakhruddin Ali Ahmad, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 13-05-2025 Heard learned counsel for the petitioner; learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Charpokhari P.S. Case No. 253 of 2024 dated 12.11.2024, instituted for the offence punishable under Sections 126(2), 115, 109, 352, 351(2) (3) (5) of the B.N.S. and Section 4/6 of the POCSO Act.

3. The prosecution case, in short, is that on 04.11.2024 at about 09:00 am, the son of informant had gone to attend the call of nature then suddenly petitioner came and snatched the key of his bike and started using abusive language. It is further



alleged that petitioner dragged the son of the informant in the godown of PACS and called his friends. His friends namely, Kanhaiya Kumar Pathak and Kundan Kumar came over there, thereafter they stripped the informant's son naked and started assaulting him. When the son of the informant protested, then petitioner made unnatural sex with him and Kundan Kumar and Kanhaiya Kumar were making video. It is also alleged that they inserted stick (danda) in the private part of the son of informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the occurrence took place on 04.11.2024 but the FIR has been lodged on 12.11.2024 i.e. after a delay of 8 days without any plausible explanation. It is next submitted that there is no eye witness to the alleged occurrence. Lastly, it has been submitted that the petitioner is in custody since 06.12.2024 having no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. and learned counsel for the informant vehemently opposed the prayer for bail of the petitioner and submitted that petitioner has concealed his criminal antecedents and in para 3 of the application it has stated that the petitioner has no criminal antecedents. The fact of



the matter is that Charpokhari P.S. Case No. 230 of 2024 dated 20.10.2024 under Sections 126(2), 109, 115(2), 551(2), 303(2) and 3(5) of the B.N.S. and Section 27 of the Arms Act has been lodged against the petitioner, which is evident from paragraph no. 90 of the Case Diary.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, I am not inclined to grant bail to the petitioner at this stage without going into merit of the case since the petitioner has concealed his criminal antecedent and a statement has also been made to this effect in in paragraph no. 3 of the instant bail application.

7. Accordingly, the prayer for bail of the petitioner is hereby rejected.

(Khatim Reza, J)

Sankalp/-

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