

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8592 of 2025

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

Nikhil Raj @ Nikhil Kumar Son of Sri Ajay Kumar Pandey @ Jay Kumar
Pandey Resident of village - Diul, P.S.- Jagdishpur, District - Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Butan Sah S/O Barai Sah R/O Vill.- Barai Sah,P.S- Charpokhari, Dist-
Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.

Ms. Vaishnavi Singh, Adv.

Mr. Ritwik Thakur, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-03-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State Mr. Chandra Bhushan Prasad.

2. The petitioner apprehends his arrest in connection
with Charpokhari P.S. Case No.253/2024 registered for the
offences punishable under Sections 126(2), 115, 109, 352,
351(2), 3(5) of the BNS Act & Sections 4/6 of POCSO Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that his minor son disclosed that he had gone to attend
the call of nature when Niraj came and snatched his bike key
and dragged him towards the PACS godown and thereafter
called his friend Kanhaiya, Kundan and petitioner and thereafter



made him naked and assaulted, further Niraj indulged in unnatural sex with the victim and also inserted bamboo in his private part and the other accused video-graphed the occurrence.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that on account of dispute relating to PACS election, the present false case came to be instituted. It is also submitted that from perusal of the injury report, it would manifest that the same does not even remotely corroborates the allegation, as alleged in the F.I.R. It is next submitted that the injury report at Annexure-2 records mild swelling over back, chest and abdomen, complain of chest pain, mild swelling over face, might swelling over right lower limb, complain of pain around neck and headache. It is thus submitted that the allegation of committing unnatural sex and inserting bamboo in the private part does not get corroborated.

5. Learned A.P.P. for the State Mr. Chandra Bhushan Prasad vehemently opposes the prayer for anticipatory bail of the petitioner and submits that from perusal of the order impugned, it would manifest that the statement of the victim was also recorded under Section 183 of the BNSS, wherein he has supported the case of the prosecution and has stated that this



petitioner was holding his hand, while Kanhaiya and Kundan were video-graphing the occurrence. The learned APP further submits that it is the father of the victim who has instituted the instant case. It is next submitted that it does not appear probable that a father would falsely implicate the accused persons by alleging such allegation with respect to his son. It is also submitted that one can well imagine the plight of the victim. It is also submitted that no doubt the injury report does not corroborate the allegation as alleged in the F.I.R. but then that is an aspect to be seen at the time of trial.

6. Considering the submissions made by the learned APP, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. The anticipatory bail application of the petitioner is rejected.

(Satyavrat Verma, J)

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