

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17789 of 2025

Arising Out of PS. Case No.-577 Year-2024 Thana- BODHGAYA District- Gaya

Sagar Kumar Son of Vinesh Yadav Resident of Village - Ammwa Thokar, P.S.
- Bodhgaya, District - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sonali Kumari Daughter of Raju Yadav Resident of Village - Ammwa Thokar, P.S. - Bodhgaya, District - Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Sunil Kumar Pathak, Advocate
For the State	:	Dr. Ajeet Kumar, APP
For the Informant	:	Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-04-2025 Heard learned senior counsel for the petitioner and learned A.P.P. for the State as well as learned counsel for the informant.

2. In the present case, the petitioner is apprehending his arrest in connection with Bodhgaya P.S. Case No. 577 of 2024 registered for the alleged offences under Sections 126(2) and 115(2) of the Bhartiya Nyaya Sanhita, 2023 and Sections 8 and 12 of the POCSO Act.

3. As per prosecution case, petitioner caught the hand of the minor informant and when she raised alarm and the father of the informant came, the petitioner started assaulting the father of the informant. Subsequently, the petitioner called the police



by making call on 112 and father of the informant was taken to the hospital for treatment.

4. Learned senior counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Neither the informant nor her father gave any written report and no *fardbeyan* of the informant was recorded rather the report was written by one Ankit Kumar. These facts create doubt over the prosecution story. Learned senior counsel further submits that the only allegation against the petitioner is that he caught hold of the hand of the informant and had been taking her away from the shop. But it is not believable that from the shop which is in the market in public view, the petitioner would do such thing. Learned senior counsel further submits that from the facts of the case no offence under Sections 8 or 12 of the POCSO Act is made out against the petitioner as no ingredients of Sections 7 and 11 of the POCSO Act are present. Only allegation is catching hold of the hand of the informant by the petitioner. Learned senior counsel further submits that no injury has been mentioned and no injury report is available on record. Learned senior counsel further submits that reason for lodging of the FIR against the petitioner is that the petitioner opposed the act of the father of the informant in



adulterating the Ghee sold by him and the petitioner made a complaint to the Nagar Panchayat, Bodhgaya. Learned senior counsel further submits that it was the petitioner who has assaulted by the father of the informant and for this reason the petitioner was compelled to call police by making call on 112. The father of the informant, in order to take revenge against the petitioner, has used his minor girl to lodge a First Information Report under POCSO Act to make it serious. Petitioner is having clean antecedent.

5. Learned APP as well as learned counsel for the opposite party no.2/informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that there could be no other motive in catching hold of the hand of the informant except it was with bad intent and the same would be covered under sexual assault.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation against the petitioner and also considering the clean antecedent of the petitioner as well as possibility of false implication, let the petitioner named above, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail,



on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-VI, POCSO, Gaya/ court concerned in connection with Bodhgaya P.S. Case No. 577 of 2024, subject to the condition laid down under section 482(2) of the B.N.S.S. and other 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, if so required by the learned trial court.

(Arun Kumar Jha, J)

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