

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20131 of 2025

Arising Out of PS. Case No.-595 Year-2024 Thana- MALSALAMI District- Patna

Sonu @ Sonu Khan @ Naushad Khan S/o Md. Liyakat Khan @ Md. Liyakat
Resident of mohalla- Sharifaganj, PS- Malsalami, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Name Withheld D/o Satyendra Prasad Through Guardianship, D/o Satyendra Prasad, R/o Mohalla - Sharifaganj, P.s.- Malsalami, Distt.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Pradhan, Advocate
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey, APP
For the Informant	:	None

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 09-07-2025 Heard learned counsel for the petitioner, learned APP for the State and perused the case diary. Despite valid service of notice, none appears on behalf of the informant.

2. The petitioner seeks bail in connection with Malsalami P.S. Case No. 595 of 2024, instituted for the offences punishable under Sections 75(2), 75(3), 78(2), 79 of the Bharatiya Nyaya Sanhita, 2023 and Section 12 of POCSO Act.

3. The prosecution case, in short, is that, the petitioner harassed the informant on her way to coaching and also threatened her for dire consequences.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submits that there is no any mentioning of date and time in the FIR regarding the occurrence committed by the petitioner. It is further submitted that cognizance has already been taken by the Court below. The allegation levelled against the petitioner is general and omnibus in nature. The petitioner is in custody since 29.12.2024 and has got ten criminal antecedents in which he is on bail in all cases.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and submits that statement of the victim recorded under Section 180 and Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corroborates with the case of prosecution and the allegation levelled against the petitioner is specific. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail ***after framing of charge, if not already framed*** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of Court below/concerned Court in connection with Malsalami P.S. Case No. 595 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(IV) If the petitioner is found involved in similar nature of offence in future, the Trial Court will have the liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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