

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23290 of 2025**

Arising Out of PS. Case No.-177 Year-2023 Thana- GWALPARA District- Madhepura

Pradeep Kumar, S/o Nunulal Sharma @ Nunulal Das, Resident of Village-  
Maharajganj, Ward No. 14, P.S.- Gwalpara (O.P. Arar), District- Madhepura

... .. Petitioner

Versus

1. The State of Bihar
2. Renu Devi, W/o Manoj Paswan, Resident of Village-Maharajganj, Paswan  
Tola, Ward No. 15, P.S.- Gwalpara (Arar O.P.), District- Madhepura

... .. Opposite Parties

**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Ms.Usha Kumari 1, Spl.PP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

4      31-07-2025                      The notice as issued to O.P. No.2 has been refused  
  
to be accepted by O.P. No.2.

2. In that view of matter, the notice as issued on  
  
O.P. No.2 deemed to be validly served upon her.

3. The accused/petitioner seeks bail in connection  
  
with Gwalpara (Arar O.P.) P.S. Case No.177 of 2023  
  
registered for the offences punishable under Sections 341,  
  
376, 511 read with 34 of the Indian Penal Code, Section 27  
  
of the Arms Act, Section 8 of the Protection of Children from  
  
Sexual Offences Act as well as Sections 3(i), (xi), (xii), 3(2)  
  
(v) of the Scheduled Castes and the Scheduled Tribes



(Prevention of Atrocities) Act, 1989 (in short 'SC/ST Act').

4. The accused/petitioner is named in the FIR and is in custody since 06.11.2024.

5. Allegation against the petitioner is to commit non-penetrative sexual assault along with other co-accused persons upon the daughter of informant, who is the member of scheduled caste community.

6. It is submitted by learned counsel for the petitioner that the facial perusal of FIR itself suggest that allegation *qua* petitioner is general and omnibus. It is pointed out that the alleged occurrence does not appears to have taken place arising out of atrocities as defined the meaning of SC/ST Act, 1989. It is further submitted that the victim herself refused to join medical examination and moreover, similarly situated co-accused namely, Ashish Kumar and Hariom Sharma were granted bail by different co-ordinate Benches of this Court through Cr. Misc. No.87738 of 2024 dated 17.06.2025 and Cr. Misc. No.26858 of 2024 dated 27.09.2024 respectively. It is submitted that considering the judicial parity, the petitioner also deserves bail. While



concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has already been submitted and, as such, there is no chance of tampering with the evidence. The petitioner claimed clean antecedent.

7. Opposite party No.2/informant failed to join the present proceeding.

8. Learned Spl. P.P. while opposing the prayer for bail submitted that allegation of sexual assault (non-penetrative) is available against this petitioner.

9. In view of aforesaid factual submissions and by taking note of fact as allegation *qua* sexual assault *prima facie* appears very much general and omnibus against petitioner, coupled with the fact that other similarly situated co-accused persons were granted bail by learned co-ordinate Bench of this Court, as discussed above, wherein the petitioner, who is a man of clean antecedent, remains in custody since 06.11.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Madhepura in connection with Gwalpara (Arar O.P.) P.S. Case No.177 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

**(Chandra Shekhar Jha, J.)**

Sanjeet/-

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