

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28984 of 2025

Arising Out of PS. Case No.-286 Year-2024 Thana- KHARIK District- Bhagalpur

Sudarshan Chaurasiya @ Hariom Baba @ Sudarshan Prasad Son of Sri. Shivnandan Chaurasiya @ Sri. Shivnandan Prasad Resident of village - Baisa, Police Station - Parbatta (Maraiya), District - Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sindhu Devi Wife of Late Banarsi Sah Resident of village - Ganeshpur, Police Station - Kharik, District - Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Adv.
For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 07-08-2025 Heard learned counsel for the petitioner and learned APP for the State. In spite of valid service of notice upon the O.P. No.2, no one has appeared on her behalf. Perused the case diary.

2. The petitioner seeks bail in connection with Kharik P.S. Case No. 286 of 2024 instituted for the offences under Sections 74, 76, 77, 79 of the Bhartiya Nyaya Sanhita, 2023 and Section 8/12 of the POCSO Act.

3. The prosecution case, in short, is that the petitioner dragged the Informant's granddaughter in his room, untied her cloth and started molesting her. It is also alleged that he took photo in his mobile as also pressurized her to commit *Galat*



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4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to ulterior motive and dirty local politics. He further submits that there is delay of one day in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 12.12.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. He further submits that the Informant in her re-statement and several witnesses in their statements have supported the prosecution case. The victim girl in her statement recorded under Section 183 of the B.N.S.S. has fully supported the prosecution case. In Para-70 of the case diary, the petitioner has confessed his guilt. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner for offence under Sections 65(2)/69/77 of the B.N.S. and Section 04/06 of the



POCSO Act. The Doctor has also assessed the age of the victim girl as in between twelve to fourteen years.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence as also taking into account the statement of the victim girl recorded under Section 183 of the B.N.S.S., 2023, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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