

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34009 of 2025

Arising Out of PS. Case No.-10 Year-2025 Thana- SHEKHPURA District- Sheikhpura

Anoj Kumar S/o Ravindra Yadav R/o vill - Nirpur, P.S. - Sheikhpura, Distt.-
Sheikhpura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dharmendra Yadav @ Sipahi Yadav S/o Siara Yadav R/o vill - Nirpur, P.S. -
Sheikhpura, Distt.- Sheikhpura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Adv.

For the Opposite Party/s : Mr. Anil Kr. Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 08-12-2025 Heard the parties.

2. The petitioner seeks bail in connection with
Sheikhpura P.S. Case No. 10 of 2025 registered for the offence
under Sections 140(3), 115(2), 352, 351(2), 3(5) of BNS.

3. The petitioner is named in the F.I.R. and is in
custody since 18.01.2025.

4. The allegation against the petitioner is to commit
penetrative sexual assault upon minor daughter of informant
aged about 15 years.

5. Learned counsel appearing on behalf of the
petitioner submitted that as per statement of victim recorded
under Section 183 of BNSS it can be gathered safely that she



left her home on her own and thereafter she joined this petitioner and together they stayed at a hotel, where they established physical relationship. It is also submitted that allegation of sexual assault also not appears available against this petitioner. It is pointed out that the victim herself refused to join medical examination, and therefore, in want of corroborating materials, it is difficult to say whether any penetrative sexual assault as alleged was committed upon her or not.

6. Arguing further, it is submitted that petitioner is in custody for about a year, and till now not even a single prosecution witness was examined including victim, therefore, trial of this case is not likely to conclude in near future. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP while opposing the prayer of bail submitted that allegation is specific against petitioner.

8. Learned APP submitted the service report regarding pending proceedings which appears served validly upon wife of



the informant through concerned SHO.

9. Aforesaid service report submitted across the board, which was taken on record.

10. Despite of valid service of notice, informant failed to join present pending proceeding.

11. In view of aforesaid factual submission and by taking note of fact as victim *prima-facie* negate the allegation of kidnapping and sexual assault, where petitioner remain in custody for about a year with almost no progress in trial, accordingly petitioner above named, is directed to be released on bail in connection with Sheikhpura P.S. Case No. 10 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Spl. Judge (POCSO Act), Sheikhpura /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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