

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38956 of 2025

Arising Out of PS. Case No.-251 Year-2025 Thana- MASAUDHI District- Patna

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1. Aman Kumar Son of Ram Sarvesh Kumar @ Sarvesh Sao Resident of Village- Nisiawan, Osmanchak, P.S. (Lahsuna), Massaurhi, Distt.- Patna, Pin Code-804452 (Bihar).
 2. Sujit Kumar Son of Lalu Saw @ Lalu Kanu @ Lalu Kalu Resident of Village- Nisiawan, Osmanchak, P.S. (Lahsuna), Massaurhi, Distt.- Patna, Pin Code-804452 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Shobhi Kumari Daughter of Hiralal Bind, Resident of Village- Nisiawan, P.S. (Lahsuna), Masaurhi, Distt.- Patna, Pin Code-804452 (Bihar).

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yuvraj Kumar, Advocate Mr. Jitendra Kumar, Advocate Mr. Gulfeshan, Advocate
For the Opposite Party/s :		Mr. Anand Kishore Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 02-12-2025 Heard learned counsel appearing on behalf of the

petitioners and learned APP appearing on behalf of the State.

2. The petitioners seek bail in connection with Special

POCSO Case No. 97 of 2025 arising out of Mashaurhi P.S. Case

No. 251 of 2025 registered for the offence under Sections 126(2),

115(2), 74, 79, 352 & 3(5) of the Bharatiya Nyaya Sanhita, 2023

and Sections 8 and 12 of the Protection of Children from Sexual

Offences Act, 2012.

3. The accused/petitioners are not named in the F.I.R.

and are in custody since 19.03.2025.



4. As per FIR, the named co-accused persons and unknown including petitioners abused and assaulted the informant aged about 17 years, while she was returning from a grocery shop. The allegation of outraging her modesty is also available.

5. Learned counsel appearing on behalf of the petitioners submitted that from the facial perusal of FIR, it can be safely gathered that the assault as alleged not appears to be made with sexual intent and, therefore, the allegation of sexual assault and also of harassment is not appears convincing. It is pointed out that both petitioners implicated only being sons of Sarvesh Sao and Lalu Kalu. While concluding argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. Petitioners are of clean antecedents.

6. Learned APP opposed the prayer of bail.

7. Information regarding present proceedings was given to the informant of this case through concerned SHO as per service report available on record.

8. Despite service, none appears on behalf of the informant to join present pending proceedings.

9. Considering the aforesaid factual submissions and by taking note of fact as FIR suggest occurrence as of general abuse



and assault *prima facie* not made with sexual intent, coupled with the fact that investigation of this case is already completed, where petitioners being men of clean antecedent, remains in custody since 19.03.2025, accordingly, both above named petitioners are directed to be released on bail in connection with Special POCSO Case No. 97 of 2025 arising out of Mashaurhi P.S. Case No. 251 of 2025, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VIIth-Cum-Special Judge POCSO, Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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