

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46267 of 2025

Arising Out of PS. Case No.-31 Year-2025 Thana- MAHILA P.S. District- Bhojpur

Chhotu Kumar S/o- Mitendra Yadav @ Jitendra Yadav Resident of Village-
Bishnupur, Bishnupura, Post- Jalpura Tapa, P.S-Chandi, District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. X D/o- Sujit Singh Village- Vishunpura Ps- Chandi Dist- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Atul Kumar Mehta, Adv.

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 23-09-2025 Heard learned counsel for the petitioner and learned
APP for the State. No one appears on behalf of the O.P. No.2.
Perused the case diary.

2. The petitioner seeks bail in connection with Mahila
P.S. Case No. 31 of 2025 instituted for the offences under
Sections 126(2)/351(2)/74/75/76/3(5) of the B.N.S., 2023 and
Section 8 of the Protection of Children from Sexual Offences
Act.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of sexually molesting
the 13 years minor girl/informant.

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. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature only to the extent of forcibly removing the cloths of the victim girl. The petitioner has no criminal antecedent and is languishing in judicial custody since 18.06.2025 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 against the petitioner is serious in nature. The victim girl is minor. The victim girl, in her statement recorded under Section 183 of the B.N.S.S., has stated that the petitioner dragged her inside a hut where the co-accused Amod Kumar was guarding and the petitioner touched her private parts and tried to make her naked. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner for offence under Sections 64(1)/62/3(5) of the B.N.S. and Sections 8/12 of the POCSO Act.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case and keeping in view the



nature of allegation, gravity of the offence, materials available in the case diary 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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