

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48370 of 2025

Arising Out of PS. Case No.-76 Year-2025 Thana- HALI District- Lakhisarai

Shivam Kumar S/o Jai Prakash Singh @ Jay Prakash Singh R/o Village-
Singhpur, Post Office- Kaindi, P.S.- Halsi, District- Lakhisarai, Bihar- 811311

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Adv.
For the Opposite Party/s : Mr. Gajendra Kumar, Adv.
Mr. Kamar, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 09-12-2025 Heard the parties.

2. The petitioner seeks bail in connection with Halsi
P.S. Case No. 76 of 2025 registered for the offence under
Sections 329(4), 65(1), 62, 69 of BNS and Section 8 of
POCSO Act.

3. The petitioner is named in the F.I.R. and is in
custody since 09.04.2025.

4. The allegation against the petitioner is to commit
sexual assault upon younger sister of the informant aged
about 15 years.

5. Learned counsel appearing on behalf of the
petitioner submitted that informant who is elder sister of the



victim was in love with petitioner and when for any of the reason the father of the petitioner refused to solemnize marriage of petitioner with informant, making younger sister instrumental who is aged about 15 years, lodged this case against petitioner. It is submitted that even as per statement of victim as recorded under Section 183 of BNSS, a general and omnibus allegation appears available against petitioner *qua* non penetrative sexual assault. It is also pointed out that assault as alleged not appears to be made with sexual intent. It is further submitted that not even a single prosecution witness examined till now. 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.

6. Learned APP duly assisted by Mr. Ganjendra Kumar, learned counsel for the informant while opposing the prayer of bail submitted that allegation is specifically against this petitioner.

7. In view of aforesaid factual submission and by



taking note of fact as petitioner remains in custody for about eight months i.e., 09.04.2025 almost with no progress in trial, accordingly petitioner above named, is directed to be released on bail in connection with Halsi P.S. Case No. 76 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 Addl. Session Judge VI cum Spl. Judge, POCSO, Lakhisarai /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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