

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46864 of 2025

Arising Out of PS. Case No.-272 Year-2023 Thana- SUGAULI District- East Champaran

Noor Alam @ Nur Alam Miyan S/O Rabul Miya @ Rabbul Miyan Resident of Village- Chhagrahan, Nayka Tola, Ward No. 3, P.O and P.S- Sugauli, Distt.- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. Noor Jahan Khatun W/O Guddu Miya R/O Villae- Chhagrahan, Nayka Tola, Ward No. 3, P.O and P.S- Sugauli, Dist.- East Champaran.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 03-12-2025 Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with Sugauli P.S. Case No. 272 of 2023 registered for the offences under Sections 341, 323, 447, 379 of the Indian Penal Code and section 8 of the POCSO Act.

3. The accused/petitioner is named in the First Information Report and is in custody since 01.05.2025.

4. Allegation against the petitioner is to commit sexual assault (non-penetrative) upon the minor sister of the informant aged about 13 years while he visited the house of informant to collect Rs. 40,000/-.

5. It is submitted by learned counsel appearing on behalf



of the petitioner that allegation was raised falsely in the background of money dispute for a cash of Rs. 40,000/-, which was due to this petitioner. It is submitted that when the petitioner visited the house of informant to collect said amount, the present false implication was raised. Even from the statement of victim, as recorded under section 180 of the B.N.S.S., i.e. the statement given before police, it appears that it is a case of non-penetrative sexual assault.

6. It is pointed out that monetary dispute which is the basis of present implication now appears settled between the parties, which is apparent from deposition of the victim, who examined before the learned trial court as PW-1 (Annexure '1' of the present bail petition), where she denied any allegation *qua* sexual assault.

7. While concluding argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is already concluded, for which charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.

8. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

9. Despite of valid service of notice, none appears on



behalf of the informant to join the present proceeding.

10. In view of aforesaid factual submission and by taking note of the fact as factual aspect of this case suggest the implication *prima facie* out of monetary dispute, coupled with the fact that investigation of this case is already completed, where petitioner, who is a man of clean antecedent, remains in custody since 01.05.2025, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned 6th District & Additional Sessions Judge-cum-Exclusive Special Judge, POCSO Act, East Champaran, Motihari/concerned court, in connection with Sugauli P.S. Case No. 272 of 2023, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shehar Jha, J.)

Rajeev/-

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