

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50169 of 2025

Arising Out of PS. Case No.-268 Year-2024 Thana- CHAUTHAM District- Khagaria

Satyam Kumar S/o Dhaneshwar Sharma R/o Vill- Malpa, P.S.- Chautham,
Distt- Khagaria, Bihar- 851201

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pankaj Kumar S/o Medani Sharma R/o Vill- Malpa, P.S.- Chautham, Distt-
Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Vikram, Adv.
Mr. Dhananjay Kumar, Adv.
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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

ORAL ORDER

5 10-10-2025 Heard learned counsel for the petitioner and learned

APP for the State. In spite of valid service of notice, no one

appears on behalf of the O.P. No.2. Perused the case diary.

2. The petitioner seeks bail in connection with

Chautham P.S. Case No. 268 of 2024, instituted for the

offences punishable under Sections 75, 127(2), 3(5), 352 of

the Bharatiya Nyaya Sanhita, 2023, Sections 4, 8 and 10 of

POCSO Act.

3. As per prosecution case, the accusation against

the petitioner is of kidnapping the Informant's daughter and

causing sexual assault upon her.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case merely on the basis of suspicion. Learned counsel for the petitioner also submits that no specific allegation has been attributed against the petitioner. The allegation levelled against the petitioner is general and omnibus in nature. The medical report does not disclose any mark of injury over external genital as also the vaginal swab report shows that there is no evidence of deposition of semen inside the vagina which creates doubt in the prosecution case. Learned counsel for the petitioner further submits that the charge-sheet has been submitted, cognizance has been taken and the charge has also been framed but, no witness has been examined as yet. The petitioner is in custody since 30.01.2025 and has got no criminal antecedent. Learned counsel for the petitioner again submits that the co-accused namely Vikram Kumar has been granted bail by this Court vide order dated 30.01.2025 passed in Cr. Misc. No. 81471 of 2024.

5. Learned APP for the State and learned counsel



for the informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The victim girl is minor and, hence, the petitioner does not deserve bail. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner for offence under Sections 75, 76, 127(2), 352, 351(2) & (3), 3(5) of the Bharatiya Nyaya Sanhita, 2023, Section 8 of POCSO Act.

6. Having heard learned counsel for the parties and considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Chautham P.S. Case No. 268 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.



(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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