

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54647 of 2025

Arising Out of PS. Case No.-364 Year-2025 Thana- AHYAPUR District- Muzaffarpur

Shivam Kumar @ Shivam @ Shubham Kumar S/o- Ramesh Singh @
Ramesh Kumar Village- Pratappur Ps- Karja Dist- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX D/o- Islam Sah Village- Chainpur Ps- Madhuban Dist- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-08-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 127(2), 75, 76, 115(2), 303(2), 3(5) of the B.N.S. and Sections 8 and 12 of the POCSO Act.

3. The learned counsel for the petitioner submits that the petitioner has antecedent of two cases and the informant alleges that she had a fight in the house and thus, left home. Further, she met two persons who asked her to accompany them for working in their house and they also disclosed that female members are also in the house. Thereafter, the informant



accompanied them to their house, but did not find any female members. Further, the accused persons started behaving inappropriately, on which she objected but was assaulted by fists. Further, in the morning, she came back to the bus stand where a boy came who works at the ticket counter and the boy took out SIM from her mobile and gave the mobile back. Further, the police came and brought her along with the boy to the police station where the boy disclosed his name as Sonu and of the other accused as Shivam.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the same does not inspire confidence for the reason that it does not appear probable that on mere asking the informant would have accompanied the accused persons to their house for working when she is a major as her age has been assessed by the Medical Board in between 22 to 25 years. It is also submitted that the informant does not even remotely allege that the accused tried to commit rape rather alleges that they acted inappropriately, but then, it is submitted that it does not appear probable that had the accused persons including the petitioner brought the informant



to their house and acted inappropriately even, in that event, they would have allowed her to go to the bus stand on the next day. It is thus submitted that the allegations are such that the same does not inspire confidence.

5. The learned counsel for the petitioner next submits that from perusal of the order impugned, it would manifest that the statement of the victim was recorded under Section 183 B.N.S.S. wherein she has alleged that the petitioner forcibly established physical relation, but then, it is submitted that had the petitioner established physical relation, in that event, the said allegation would have surfaced in the FIR also. It is also submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

6. Learned A.P.P. opposes the anticipatory bail application.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on anticipatory bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and



Additional Sessions Judge 6th -cum- Special Judge, POCSO-1, Muzaffarpur in connection with Ahiyapur P. S. Case No.364 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

9. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

10. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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