

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59932 of 2025

Arising Out of PS. Case No.-375 Year-2025 Thana- MAJHAULIA District- West Champaran

Kashi Prasad Chaurasiya @ Kashi Prasad S/o- Late Gaya Prasad Village- Hari
Pakdi Ward no-8 P.s-Majhauiliya Dist-West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Antima Devi W/o- Munna Mukhiya Village- Satbhirwa W.No-10, PS-
Majhauiliya Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv

Mr. Manaur Alam, Adv

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-09-2025 1. Heard learned senior counsel for the petitioner,
Shri N.K Agrawal and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 65(2) of
the Bharatiya Nyaya Sanhita and Sections 4 and 6 of POCSO
Act.

3. Learned senior counsel for the petitioner submits
that petitioner is a person with clean antecedent and the
informant alleges that petitioner lured her minor daughter aged
about 9 years on 10-6-2025 at 7 PM and took her inside his
shop and started establishing inappropriate relation, on which
her daughter screamed in pain, which caught the attention of



passersby and nearby people saved her daughter, further her daughter came home and disclosed about the occurrence, hence the informant went to the house of the petitioner to inquire, who abused her, further a *Panchayati* was to be convened, as such there was delay in instituting the FIR.

4. Learned senior counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that the date of occurrence is 10-6-2025 and the FIR came to be instituted on 16-6-2025. It is further submitted that no doubt an explanation in the FIR has been given that a *Panchayati* was to be convened, on account of which there was a delay in instituting the FIR, but then it is submitted that it absolutely does not stand to reason that as to why the informant was waiting for a *Panchayati* to be convened, when the occurrence of the nature as alleged had taken place. It is also submitted that petitioner is a senior citizen aged about 68 years and has a shop in the market and has remained a person with clean antecedent. It is submitted that it does not appear probable that the petitioner in the market inside his shop would have attempted to commit such an occurrence being aware of the fact that in the event he is caught, the same would bring disrepute to him as well as to his



business. It is next submitted that a specific pleading has been made at para-14 of the anticipatory bail application that petitioner is having land dispute with his agnates for which Title Suit No. 114 of 1992 was instituted before the learned trial court and the same was decided in favour of the petitioner but then his agnates filed Title Appeal No. 36 of 1999, which is pending adjudication in the court of learned District Judge, West Champaran, Bettiah. It is also submitted that the instant FIR came to be instituted at the instance of his agnates on account of dispute relating to land with the help of the informant.

5. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that victim is 9 years of age and mother has instituted the instant FIR based on the disclosure made by the victim and investigation of the case is in its nascent stages and if the privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond, on which the learned senior counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence, it is also submitted that in the FIR it is alleged that when the victim screamed, passersby noticed,



thereafter she was saved by nearby people, but then the FIR does not disclose the name of the persons who saved the victim which also gives an impression that the petitioner has been falsely implicated.

6. Considering the submissions made by the learned senior counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Majhauriya P.S. Case No. 375 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this Court, is not cooperating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

8. It is further made clear that if charge-sheet is submitted connecting the petitioner with the offence, in that



event the present anticipatory bail order shall lose its effect.

9. 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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