

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64092 of 2025

Arising Out of PS. Case No.-76 Year-2025 Thana- KOTWA District- East Champaran

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Kamlesh Kumar Sah @ Kamlesh Kumar S/O Hari Sah R/O Vill.- Banbirwa,
P.S.- Kotwa, Dist.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. X D/O Bachan Sah R/O Vill.- Banbirwa, P.S.- Kotwa, Ward no. 13 Dist.- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Adv.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 10-09-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 126(1),
115(1), 74 and 3(5) of the BNS, 2023 read with Sections 8 and
12 of the POCSO Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case, but then the said case was



instituted from the side of the informant.

4. It is next submitted that the informant alleges that on 01.03.2025 at about 07:00 PM, the petitioner entered her house when she was alone and touched her at inappropriate places and even tried to disrobe her and threatened with knife, on alarm, Baccha Sah and neighbour came when petitioner fled, further her parents also came subsequently and went to the house of the petitioner to enquire when they were abused and assaulted.

5. 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 F.I.R., it would manifest that the informant alleges that when she was alone, the petitioner came and acted inappropriately. It is further submitted that sister of the informant had earlier instituted Kotwa P.S. Case No. 60 of 2025 against the petitioner and his family members with similar allegation in which petitioner was given notice under Section 41A of the Cr.P.C. It is submitted that subsequent to filing of the instant FIR, an altercation had taken place in between the family members of the petitioner and the side of the informant, on account of which the sister of the informant instituted Kotwa



P.S. Case No. 297 of 2025 against the family members of the petitioner. It is also submitted that even family members of the petitioner instituted Kotwa P.S. Case No. 296 of 2025 against the informant and his side. It is next submitted that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten 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 Kotwa P.S. Case No. 76 of 2025 subject to the conditions as laid down under Section 482 (2) of BNSS.

8. 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 petitioner despite giving assurance to this Court is not co-operating in the



investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

9. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

10. **Accordingly, the instant anticipatory bail application stands allowed.**

(Satyavrat Verma, J)

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