

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68145 of 2025

Arising Out of PS. Case No.-178 Year-2025 Thana- BIRAUL District- Darbhanga

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Suman Jha @ Bhulla S/O Late Jaganath Jha @ Jagan Nath Jha R/O Village- Shivnagar, ward no. 6, P.O- Shivnagar Ghat, Kortho, P.S - Ghanshyampur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Raja S/O Md Khalil R/O Village- Mahmuda, P.S- Biraul, Distt.- Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Arvnendra Kumar Thakur
For the Opposite Party/s :	Mr. Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-10-2025 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Biraul P.S. Case No.178/2025, registered for the offences punishable under Sections 126(2), 74, 75, 76 of the B.N.S., 2023 & Sections 8, 12 of the POCSO Act.

3. Learned counsel for the petitioner submits that petitioner petitioner is a person with clean antecedent and the informant alleges that on 30.05.2025, his daughter aged about 9 years along with her two friends had gone to collect dry leaves in *Gachi*, when petitioner came and grabbed his daughter's mouth from behind, on account of fear, her two friends fled and



petitioner acted inappropriately with his daughter and fondled with her private part, apart from biting her cheek, on alarm, Bechan and Rukmini came and shouted for help, when petitioner fled, leaving the victim in an unconscious state.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that a specific pleading has been made at Para-11 of the anticipatory bail application that victim in her statement recorded under Section 183 BNSS has not taken the name of the petitioner.

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 old and the FIR has been instituted by her father. It is next submitted that it does not appear probable that a father would falsely implicate someone alleging such allegation with regard to his daughter knowing that the person was not involved in the occurrence. The learned APP next submits that no doubt a specific pleading has been made at Para-11 of the anticipatory bail application that the victim in her statement recorded under Section 183 BNSS has not taken the name of the petitioner but then from perusal of the order impugned, at Para-6, it would manifest that the same records- "*Heard both sides*



and perused the case record, it appears from the FIR, on dated 30.05.2025 at 12.00 P.M., in the day, victim's aged about 9 years. The victim has supported the case of prosecution in her statement recorded u/s 180 and 183 of B.N.S.S. She has supported the allegation of attempt to rape the victim and touching her inappropriately and photograph shows biting marks on her cheek, victim claim to identify the accused." It is next submitted that a bald statement at Para-11 of the anticipatory bail application does not even remotely suggest that the order impugned incorrectly record the statement of the victim recorded under Section 183 B.N.S.S.

6. Considering the submissions made by the learned APP, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. The anticipatory bail application of the petitioner is rejected.

(Satyavrat Verma, J)

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