

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68433 of 2025**

Arising Out of PS. Case No.-11 Year-2025 Thana- Cyber P.S. District- West Champaran

Sonu Kushwaha, S/o Tansen Kushwaha, R/o Village-Daunaha, Bhapsa, P.S.-  
Dhanaha, District-West Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. X, W/o Shankar Prasad, R/o Village-Daunaha, Bhapsa, P.S.- Dhanaha,  
District- West Champaran.

... .. Opposite Parties

**Appearance :**

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Binay Krishna, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

4      09-12-2025                      Heard learned counsel for the petitioner and  
  
learned Special Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Bagaha (Cyber) P.S. Case No.11 of 2025 registered under Sections 64, 78, 351(2), 352, 115(2) of the Bhartiya Nyaya Sanhita, 2023 (in short 'B.N.S.'), Sections 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act as well as Sections 4 and 6 of the Protection of Children from Sexual Offences Act (in short 'POCSO Act') and Sections 67 and 67-A of the Information and Technology Act.

3. As per FIR, the informant committed penetrative



sexual assault upon minor daughter of informant aged about 15 years.

4. Learned counsel appearing for petitioner submitted that the allegation of penetrative sexual assault as raised by informant, who is the mother of the victim appears false on its face as the victim while recording her statement under Section 183 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short 'BNSS') categorically stated that except snatching of bag nothing odd happened to her, which falsify the entire allegation as raised against petitioner through FIR. It is submitted that the victim also refused to join the medical examination and further from the place of occurrence, no incriminating materials supporting the occurrence of penetrative sexual assault was found. In this context, learned counsel for petitioner drawn attention of this Court towards para-42 of the case diary.

5. Arguing further, it is submitted that the mobile numbers, which alleged to be used to make video viral through different social media was not connected in any manner with this petitioner and therefore, the entire



allegation is false.

6. Learned Spl. P.P. while opposing the prayer of bail submitted that the allegation is specifically available against this petitioner.

7. It is pointed out by learned Spl.P.P. that the notice as issued by this Court was served upon informant through concerned S.H.O. Despite of valid service, none appeared on behalf of informant as to join the present pending proceeding.

8. In view of aforesaid factual and legal submissions and by taking note of fact as victim categorically negate the allegation of penetrative sexual assault against petitioner rather she stated that the occurrence took place only limited with snatching of school bag, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond 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-7th-cum-Special Judge, Bettiah,



West Champaran in connection with Bagaha (Cyber) P.S.  
Case No.11 of 2025, subject to the conditions as laid down  
under Section 438(2) of the Code of Criminal Procedure (in  
short ‘CrPC’)/under Section 482(2) of the BNSS.

**(Chandra Shekhar Jha, J.)**

Sanjeet/-

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