

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74384 of 2025

Arising Out of PS. Case No.-142 Year-2025 Thana- VISHAMBHARPUR District- Gopalganj

1. Golu Shukla @ Golu Shukl, S/o Sathrudhan Shukla, R/o Village - Tiwari Matihaniya, P.S - Vishambharpur, District - Gopalganj
2. Sathrudhan Shukla @ Sathrudhan Shukl, S/o Late Devta Shukla, R/o Village - Tiwari Matihaniya, P.S - Vishambharpur, District - Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. X (Symbolic name of the informant / Brother of the so called Victim), S/o Madan Mohan Tiwari, R/o Village - Tiwari Matihaniya, P.S - Vishambharpur, District - Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla, Adv.
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-11-2025 Heard learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Vishambharpur P.S. Case No. 142 of 2025, registered for the offences punishable under Sections 126(2), 115(2), 117(2), 109, 74, 352, 351(3) and 3(5) of the Bharatiya Nyaya Sanhita and under Section 8 and 12 of the POCSO Act.

3. On account of eve teasing at the hands of co-accused Rupesh Shukla, when the informant and his brother went to the house of Rupesh Shukla to lodge a protest, it is



alleged that these petitioners abused and assaulted. It is specifically alleged that petitioner no. 1 has snatched a golden chain from the neck of the informant's brother and subsequently, the petitioner no. 2 assaulted him by means of a bamboo, due to which his hand is broken.

4. Learned Advocate appearing on behalf of the petitioners submitted that so far the allegation of eve teasing, leading to application of the penal provision of the Prevention of Children From Sexual Offences Act is concerned, the same has been attributed against co-accused person, who is not before this Court. The allegation against the petitioner no. 1 is of snatching a golden chain is nothing, but a concocted one. Moreover, the entire prosecution case falls to the ground for the simple reason that the allegation against the petitioner no. 2 of causing a fracture injury in the hand of the informant's brother does not corroborate with the injury report, as no such injury is found over the hand. The informant's brother has sustained two injuries, one over the head and the another on the hip, and, as such, the allegation against the petitioner no. 2 does not find corroborated from the injury report. The petitioners are none less, but the brother and father of Rupesh Shulka and on account of some altercation, they have also been made accused in this



case. There is a counter version of the present case being Vishambharpur P.S. Case No. 140 of 2025, instituted by petitioner no. 2.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that besides the fact the petitioners bear one criminal antecedent, they have actively participated and assaulted the brother of the informant.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the factum of case and counter case, coupled with the nature of injury which does not corroborate the allegation, besides the fact that there is no allegation of eve teasing against these petitioners, let the petitioners above named be released on bail, in the event of their arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (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, Gopalganj in connection with Vishambharpur P.S. Case No. 142 of 2025, subject to the conditions laid down in Section 482(2) of



the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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