

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73431 of 2025

Arising Out of PS. Case No.-426 Year-2025 Thana- BHABHUA District- Kaimur (Bhabua)

Abhay Kumar Son of Pyare Bind @ Rampyare Bind R/o Village - Naraon,
P.S. - Bhabhua, Dist. - Kaimur at Bhabhua.

... .. Petitioner/s

Versus

1. The State of Bihar
2. X D/o Y R/o Village - Naraon, P.S. - Bhabhua, Dist. - Kaimur at Bhabhua.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-11-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Bhabua P.S. Case No. 426 of 2025 registered for the offences punishable under Sections 64, 126(2), 115(2), 352, 351(2), 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.') and section 4 of the POCSO Act.

3. The allegation against the petitioner is to commit penetrative sexual assault/rape upon the informant aged about 15 years and subsequently to assault and abuse her parents.

4. Learned counsel appearing on behalf of the petitioner



submitted that petitioner is the own cousin of informant and present case was lodged in the background of family dispute.

5. It is submitted that the occurrence in issue took place on 29.12.2024 *qua* sexual assault which was compromised, but subsequently, when the occurrence of abuse and assault took place on 25.05.2025, the present case was lodged alleging that informant was sexually assaulted on 29.12.2024.

6. It is also submitted that in fact the occurrence took place on 25.05.2025 and just to aggravate the allegation on the basis of presumption, the allegation of sexual assault was raised on behalf of parents of the informant, just by making the informant instrumental, to aggravate the allegation. It is pointed out that for the alleged sexual assault, the informant was not medically examined and, therefore, the allegation also appears doubtful. However, petitioner claims to be a man of clean antecedent.

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

8. In view of the aforesaid factual submissions and by taking note of the fact as *prima facie* allegation of sexual assault raised after about six months of the occurrence when separate



occurrence of abuse and assault took place between the parties, where petitioner is a man of clean antecedent, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, Kaimur at Bhabua/concerned court in connection with Bhabua P.S. Case No. 426 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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