

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.86438 of 2024

Arising Out of PS. Case No.-255 Year-2024 Thana- BAIKUNTHPUR District- Gopalganj

Nagendra Singh Son of Late Haluwant Singh Resident of Village- Sabuli,
P.S.- Baikunthpur, Distt.- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nisha Devi Wife of Sanjay Singh Resident of Village- Sabuli, P.S.-
Baikunthpur, Distt.- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Adv.
: Mrs. Shyamli Kumari, Adv.
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, App
For the Informant : Mr. Arbind Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 09-05-2025 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail,
arises out of Baikunthpur Police Station Case No. 255 of 2024,
disclosing offences under Sections 126(2), 351(3), 76 of the
BNS, 2023 and Section 8 of the POCSO Act.
3. As per the F.I.R., allegation against the petitioner
is that he sexually assaulted the informant's minor daughter aged
about six years five months.
4. Learned Counsel for the petitioner submits that
the petitioner has not committed any offence in the manner



alleged. It is argued that it is highly unlikely for an outsider to take a child to the school rooftop during class hours without intervention from teachers or staff. The incident allegedly occurred on 31.07.2024, but the FIR was filed after a delay of three days on 03.08.2024. Learned counsel next submits that the reliability of the victim's statement recorded under Section 183 of BNSS is also questionable as it was made under the informant's influence. Lastly, learned counsel submits that no school authority witnessed the incident or received any complaint from the child.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that victim girl has supported the prosecution case in her statement recorded under Section 183 of the BNSS, I am not inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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