

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14843 of 2026

Arising Out of PS. Case No.-148 Year-2025 Thana- CHAUSA District- Madhepura

Akhilesh Singh S/o- Late Murli Singh @ Murlidhar Singh R/v- Dharhara
ward 8 Ps- Chausa Dist- Madhepura

... .. Petitioner

Versus

1. The State of Bihar
 2. XXX W/o- YYY R/v- Dharhara ward 8 Ps- Chausa Dist- Madhepura
- Opposite Party

Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma, Advocate
For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 02-07-2026 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 Chausa P.S. Case No. 148 of 2025 registered for the offences punishable under Sections 115(2), 127(2), 76, 64, 308(5), 352, 351(2) & 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.') and Sections 66(c), 66(E), 67, 67B of the I.T. Act and Section 8/12 of the POCSO Act, pending in the court of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Court, Madhepura.

3. The allegation against the petitioner is to commit sexual assault upon the minor daughter of the informant aged about 17 years.



4. Learned counsel appearing on behalf of the petitioner submitted that the informant lodged a case against the petitioner and his family members on 20.01.2025, therefore, the present false case was lodged making instrumental the minor daughter of the informant.

5. It is submitted that there is major contradiction between the allegation as raised through complaint petition and the statement of victim as recorded under Section 183 of the B.N.S.S. It is submitted that there is delay of about 22 days as to lodge the complaint case on the basis of which the present FIR was lodged on 02.06.2025. Petitioner claimed clean antecedent.

6. Learned A.P.P. for the State, while opposing the prayer for anticipatory bail of the petitioner, submitted that from perusal of complaint petition, it transpires that the occurrence took place between 12.01.2025 to 31.01.2025, and, therefore, the last date of occurrence, in view of complaint petition, is 31.01.2025, thereafter, the petitioner lodged this complaint case on 04.02.2025, for the reason that before ten days, on the ground of false allegation, the petitioner's side lodged a case, which was registered as Chausa P.S. Case No. 22/2025 dated 20.01.2025, and, therefore, the complainant has genuine apprehension of arrest, if approaching to police.



7. It is submitted by learned A.P.P. that delay is effectively for only three days from the last date of occurrence and not 22 days, as submitted by learned counsel for the petitioner. It is further submitted that during the investigation, statement of victim was recorded under Section 183 of the B.N.S.S., where she categorically stated that this petitioner came in the night and gagged her mouth by cloth and pulled her forcibly to the cattle-shed and thereafter captured her nude photographs/videos and uploaded the same on social media like Facebook and Instagram.

8. In view of the aforesaid factual submissions and by taking note of the fact as the victim specifically alleged this petitioner to commit sexual assault upon her and also to capture her nude photographs/videos during the occurrence while recording her statement under section 183 of the B.N.S.S., accordingly, prayer of anticipatory bail of the petitioner stands rejected.

(Chandra Shekhar Jha, J)

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