

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20534 of 2026

Arising Out of PS. Case No.-2 Year-2017 Thana- SC/ST District- Sheikhpura

Nitya Kumar @ Nitish Kumar @ Nitiya Kumar Son of Jittu Yadav @ Jitu Yadav Resident of Village - Mohalla Chakdiwan, Police Station and District - Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXXXX D/o YYYYYY R/o Village/Mohalla - Budhauri, Ward no. 17, P.S. and Dist. - Sheikhpura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s	:	Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 31-03-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for bail in connection with POCSO Case No. 02 of 2017 arising out of Sheikhpura (SKP)-SC/ST P.S. Case No. 02 of 2017 registered for the offence punishable under Sections 341, 323, 354, 504/34 of the Indian Penal Code, Sections 3(2)(va)/3(1)(R)(s)(w) of the SC/ST (POA) Act and Section 8 of the POCSO Act.

3. The case of the prosecution, in short, is that the petitioner and one other have attempted to gag the mouth of the informant's daughter, due to which the pitcher that was containing water fell down. It is further alleged that as the



victim raised alarm her brother Sandeep Kumar came to rescue her. The petitioner and one other assaulted the brother of the informant. It is specifically alleged that one Rahul Kumar pulled the *dupatta* of the minor daughter of the informant and attempted to drag her. It is further alleged that the petitioner and others have abused the aunts of the minor daughter of the informant.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. He also submits that from perusal of the FIR, it is clear that the only allegation against the petitioner is that he and one other accused have attempted to gag the mouth of the minor daughter of the informant and it is specifically alleged that one Rahul has pulled the *dupatta* of the minor daughter of the informant. He further submits that from perusal of the order of the learned trial court, it will transpire that the processes under Sections 82 and 83 of the Cr.P.C. were issued, but those notices were not served upon the petitioner. He further submits that the petitioner was given the benefit of Section 41(1) of Cr.P.C. during investigation. Moreover, a statement has been made in para 3 of the petition that petitioner has no criminal antecedent



and he is languishing in judicial custody since 07.03.2026.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge-cum-Exclusive Special Judge (POCSO), Sheikhpura in connection with POCSO Case No. 02 of 2017 arising out of Sheikhpura (SKP)-SC/ST P.S. Case No. 02 of 2017.

(Ashok Kumar Pandey, J)

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