

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30436 of 2026

Arising Out of PS. Case No.-835 Year-2025 Thana- DIGHA District- Patna

Santosh Lal @ Santosh Lal Ram, Son of Beer Bahadur Rai, Resident Of 215 Anwarhi, Ps -Rohtas, Dist -Rohtas At Present Residing in Rental House of Ashok Sao, Behind Moti Sao Market, Digha Ghat, P.S.- Digha, Dist- Patna

... .. Petitioner

Versus

1. The State of Bihar
2. Divyanka Srivastava, Wife of Santosh Kumar, Resident of Tini Lodipur, Dist- Nalanda At Present Residing in the Rental House of Ashok Kumar in the Gali of laxmi Vatika Community Hall, Digha Ghat, Ps - Digha, Dist- Patna

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Majid Mahboob Khan, Advocate
For the Informant	:	Mr. Kumar Kaushlendra, Advocate
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 24-07-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Digha P.S. Case No.835 of 2025 registered under Sections 75 & 75(2) of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNS') and Section 08 of the POCSO Act, 2012.

3. As per FIR, petitioner alleged to commit sexual assault by touching private part of the minor daughter of informant aged about 09 years, while she went to take her



private tuition from the wife of petitioner.

4. It is submitted by learned counsel appearing for the petitioner that due to certain disputes arising out of pending tuition fees, when the demand was raised by the wife of petitioner, the informant and his family members assaulted them for which a case under SC/ST P.S. Case No.72 of 2025 was lodged by petitioner's side against the informant. It is further submitted that in retaliation of that case making minor daughter instrumental, the present false case was lodged. Arguing further, it is submitted that the matter was compromised between the parties as good sense prevail between them as they are immediate neighbours and tenant with same landlord. In support of his submissions, the learned counsel relied upon Annexure-P/3 series of the present bail petition. Petitioner claimed clean antecedent.

5. Learned APP duly assisted by learned counsel for the informant, Mr. Kumar Kaushlendra, while opposing the prayer of bail submitted that informant denied outrightly any compromise as submitted aforesaid by learned counsel for the petitioner, and submitted that even in the case of



compromise, offence alleged cannot be compounded being non-compoundable offence.

6. In view of aforesaid factual submissions and by taking note of fact as the specific allegation is available against this petitioner as to commit sexual assault upon the minor daughter of the informant aged about 9 years, while she went to attend her private tuition with wife of the petitioner, accordingly, the prayer of anticipatory bail of the petitioner stands rejected.

(Chandra Shekhar Jha, J.)

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