

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29825 of 2025

Arising Out of PS. Case No.-341 Year-2024 Thana- BAIRIYA District- West Champaran

Shekh Samrajya @ Shekh Samraji@Shekh Samraj S/O Shekh Muslim R/O
Village- Tadhwa Nandpur Ward No.-01, P.S- Bairiya, District- West
Chamapran at Betiya.

... .. Petitioner

Versus

1. The State of Bihar
2. Anita Devi W/O Ashok Prasad R/O Village- Baluwa Rampurwa Ward No.-
13, P.S- Bairiya, Distt.- West Champaran at Betiya.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Abhishek Ranjan, Advocate
For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 06-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Bairiya P.S. Case No. 341 of 2024 registered for the offences punishable under Sections 74/76 of the Bhartiya Nyay Sanhita, 2023 (in short, the ‘B.N.S.’) and Section 4, 6, 8 of the POCSO Act.

3. The allegation against the petitioner is to sexually assault the daughter of the informant aged about 12 years.

4. Learned counsel appearing on behalf of the petitioner submitted that FIR in issue was lodged for penetrative sexual assault which appears not convincing in view of statement of



victim recorded under section of the 164 Cr.P.C. as well as medical report of the victim, but fairly conceded that charge-sheet in this matter is still to be submitted. Petitioner claimed to be a man of clean antecedent.

5. Learned A.P.P. for the State, while opposing the prayer of anticipatory bail of the petitioner, submitted that the victim who is aged about 12 years categorically stated that the petitioner caught hold her while she was returning after taking milk and pulled her to nearby orchard. It is submitted that statement categorically suggest that assault was with sexual intent.

6. In view of aforesaid factual submission and by taking note of statement of the victim, aged about 12 years, recorded under section 183 of the B.N.S.S. which *prima facie* suggests that assault was made *prima facie* with sexual intent, accordingly, the prayer of anticipatory bail of the petitioner stands rejected.

(Chandra Shekhar Jha, J)

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