

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40509 of 2026

Arising Out of PS. Case No.-432 Year-2024 Thana- SAKRA District- Muzaffarpur

Md. Naushad S/o Hakim Ansari R/o Village - Paharpur, PS - Sakra, District - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX Son of Late Babu Lal Sah Resident of Village- Paharpur, P.S- Sakara, District- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Adv.
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-07-2026 Heard learned, Advocate for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Sakra P.S. Case No. 432 of 2024, registered for the offences punishable under Sections 137(2) and 96 of the BNS.

3. At the outset, learned Advocate for the State has drawn the attention of this Court to the impugned order and submitted that during the course of investigation, the petitioner was granted regular bail vide order dated 24.12.2024 by the Additional District and Sessions Judge- XI, Muzaffarpur till completion of the investigation, and subsequently the charge sheet was submitted under Sections 8 and 10 of the POCSO Act,



in addition to Section 96 of the BNS. Thereafter, cognizance was taken on 09.09.2025. The record also shows that the summon was issued for procuring attendance of the accused and same was duly served, despite that the petitioner did not appear. It is further submitted that in the aforesaid premise, the anticipatory bail is not maintainable.

4. Learned Advocate for the petitioner did not confront the aforesaid factual position, however, he made various other submissions.

5. Considering the submissions advanced and the materials available on record, especially the impugned order which suggests that the petitioner was earlier granted regular bail till the completion of investigation this Court does not find any merit to entertain the anticipatory bail of the petitioner, accordingly the same stands dismissed.

6. However, the petitioner shall be at liberty to approach before the Court below for grant of regular bail.

(Harish Kumar, J)

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