

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35065 of 2025**

Arising Out of PS. Case No.-63 Year-2025 Thana- BELAGANJ District- Gaya

Sarwan Kumar @ Sharma Kumar S/o Sanjivan Choudhary @ Sanjivan Kewat
R/o Village- Sripur, P.S.- Belaganj, District- Gaya. Petitioner/s
Versus

1. The State of Bihar.
2. Kajal Kumari D/o- Ravish Choudhary, R/o- Village- Sripur, P.S.- Belaganj,
Dist.- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

5 13-01-2026 Heard learned counsel appearing on
behalf of the petitioner and learned Additional
Public Prosecutor appearing on behalf of the State.

2. The accused/petitioner apprehending his
arrest in connection with Belaganj P.S. Case No. 63
of 2025 registered for the offences punishable
under Sections 126(2), 75(2), 352 of BNS and
Section 8/12 of POCSO Act.

3. As per FIR, petitioner assault sexually to
minor daughter of the informant while she was
returning to her home in evening at about 7:00 PM
on 23.01.2025.

4. It is submitted by learned counsel
appearing on behalf of the petitioner that upon



perusal of Section 183 of the BNSS, it appears that though victim supported the occurrence of sexual assault (non-penetrative) but she could not identify the person. It is pointed out that she categorically stated that this petitioner is her cousin brother and due to family disputes, he was implicated out of confusion. It is pointed out that victim also stated that the informant who is mother of the victim named this petitioner on the basis of suspicion.

5. Learned counsel appearing for the informant/opposite party no. 2, while opposing the prayer of bail submitted that the family disputes, which was the reason behind implication, now appears settled between the parties.

6. In view of aforesaid factual submissions and by taking note of fact as in view of statement of Section 183 of BNSS of victim, it appears *prima facie* that implication of petitioner made on the basis of suspicion as victim could not recognize the petitioner as an accused during the alleged occurrence, accordingly, above named petitioner, in the event of his arrest or surrender before the



learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Judge, Gaya/concerned Court, where the case is pending in connection with Belaganj P.S. Case No. 63 of 2025 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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