

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56214 of 2025

Arising Out of PS. Case No.-253 Year-2024 Thana- CHARPOKHARI District- Bhojpur

Nikhil Kumar @ Nikhil Raj S/o- Jai Kumar Pandey @ Ajay Kumar Pandey
Resident of Diual P.S- Jagdishpur, Dist- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Butan Sah S/o- Badhae Sah Village- Barani Ps- Jagdishpur Dist- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 06-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 126(2), 115, 109, 352, 351(2) and 3(5) of B.N.S., 2023 as well as Sections 4/6 of the POCSO Act.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that his minor son disclosed that he had gone to attend the call of nature when Niraj Kumar came and snatched keys of his bike and dragged him towards the PACS godown and thereafter called his friends Kanhaiya Kumar Pathak, Kundan Kumar and petitioner and thereafter made him naked and



assaulted. Further, Niraj Kumar indulged in unnatural sex with the victim and also inserted bamboo in his private part and the other accused videographed the occurrence.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that even presuming what has been alleged is true without admitting then thrust of the allegation is against Niraj Kumar. It is next submitted that petitioner is in custody since 19.03.2025 and chargesheet has been submitted. It is also submitted that Niraj Kumar had approached this Court seeking regular bail by filing Criminal Miscellaneous No.69923 of 2025 and the same came to be allowed by an order dated 09.01.2026, passed by a learned Coordinate Bench. It is thus, submitted that the case of the petitioner is on a better footing. It is further submitted that petitioner will not abscond rather will cooperate in the trial to prove his innocence.

5. Learned APP opposes the bail application.

6. Considering the submissions made by learned counsel for the petitioner, let petitioner, above-named, be released on bail on furnishing bail bond of Rs.10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned 6th District & Additional Sessions Judge-
cum-Special Judge POCSO, Bhojpur, Ara in connection with
Charpokhari P.S. Case No.253 of 2024.

7. However, it is made clear that if the learned Trial
Court comes to a conclusion that petitioner, after his release, is
trying to delay the framing of charge, or after framing of charge,
is trying to delay the trial, in both the conditions, the learned
Trial Court shall be at liberty to cancel the bail bond of the
petitioner.

(Satyavrat Verma, J)

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