

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63767 of 2025

Arising Out of PS. Case No.-77 Year-2025 Thana- DUMRAO District- Buxar

Shivanand Tiwari Son of Late Jagresh Tiwari Resident of Village - Rajdiha,
P.S.- Dumraon, District - Buxar (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. ABC Daughter of Kameshwar Thakur Resident of Village - Rajdiha, P.S.-
Dumraon, District - Buxar (Bihar).

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhay Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Tapeswar Sharma, APP
For the Informant	:	Mr. Ravi Shankar Pathak, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 02-02-2026 Heard learned counsel for the petitioner and learned APP
for the State as also learned counsel for the informant. Perused
the case diary.

2. The petitioner seeks bail in connection with
Dumraon P.S. Case No. 77 of 2025 instituted for the offence
under Sections 74 & 76 of the Bharatiya Nyaya Sanhita, 2023.
Subsequently, Sections 127(7), 137(2) of the BNS and Sections
10 & 18 of the POCSO Act were also added.

3. On 26.03.2025 at about 2:30 PM, the informant—
victim alleged that petitioner forcibly caught her, dragged her
into a room, assaulted her with intent to sexually exploit and
locked her inside. On her prolonged cries, her uncle and



villagers arrived, whereafter, the accused fled after locking the room, and she was later rescued and taken to the police station.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 12.07.2025. Petitioner bears one criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner's counsel submits that the Anganwadi Centre was locked at the relevant time and its key was in the custody of the Mukhiya, making the alleged occurrence inside the Centre impossible. It is next submitted that petitioner has his own residential house in the same village and a settled family, leaving no reason for him to reside in or frequent the Anganwadi Centre as falsely alleged. It is lastly submitted that the alleged alarm was improbably heard only by the uncle of the victim, and that the victim herself refused internal medical examination and gave contradictory statements under Sections 180 and 183 of the Bharatiya Nagarik Suraksha Sanhita, which gravely undermines the prosecution case.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of



bail to the petitioner. It is submitted that witness have supported the prosecution case. Charge sheet has already been submitted in this case.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and charge-sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Dumraon P.S. Case No. 77 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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