IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67026 of 2026

CNR No. BRHC010932302026

Arising Out of PS. Case No.-527 Year-2026 Thana- SIKARPUR District- West Champaran

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Shekh Shamim Son of Ali Akhtar @ Shekh Ali Akhtar Resident of village- Ward no. 14, Rakhahi, Ps- Shikarpur, Dist- West champaran

... ... Petitioner/s

Versus

1. The State of Bihar
2. Mother of Victim Wife of ABC Resident of village- Rakhahi, Ps- Shikarpur, Dist- West champaran

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Abu Nasar, Adv.
For the Opposite Party/s : Mr. Nityanand, APP
For the informant : Mr. Prashant Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH

ORAL ORDER

4 20-11-2026 Heard, Mr. Abu Nasar, learned counsel for the petitioner and Mr. Nityanand, learned APP for the State as well as Mr. Prashant Kumar, learned counsel for the informant.

2. This is an application for regular bail to the petitioner who has been made accused in connection with Shikarpur (West Champaran) P.S. Case No. 527 of 2026 registered for the offences punishable under Sections 87, 96, 69 of the BNS and under Section 4 & 6 of the POCSO Act added later on.

3. As per the prosecution case, on 17.05.2026, the victim went to the upgraded High School (Eastern) but did not

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return home till 11:30 AM. On enquiry, the informant learnt that the victim had gone with a boy having a gamcha on his face and was later recovered from a sugarcane farm at Durguliya village along with the petitioner. The petitioner, along with his family members, allegedly called the victim to their house on the promise of marriage and established physical relations with her for almost four months. When marriage was requested, the petitioner refused and gave various threats, including threats of assault.

4. Learned counsel for the petitioner submits that petitioner is quite innocent, has committed no offence and has falsely been implicated in this case. The petitioner is aged about 19 years and the allegations levelled against the petitioner are wrong, false and concocted. It is submitted that the allegations contained in the FIR is contrary to the statement of the victim recorded under Sections 180 & 183 of the BNSS. As per the statement recorded under Section 183 of the BNSS, the victim herein had specifically denied having been sexually assaulted/abused by the petitioner or any of his family members when she had allegedly stayed at their house between 17.05.2026 to 21.05.2026. In fact she had stated that she was kept well during her stay.

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5. It is submitted on behalf of the petitioner in paragraph 15 of the bail application that there is a discrepancy between the statement made in the FIR and the statements recorded under Sections 180 and 183 of the BNSS. It is further submitted that while learned counsel for the informant claims the age of the victim to be 14 years, the victim has stated in her statement recorded under Section 183 of the BNSS that her age is 16 years.

6. It is submitted on behalf of the petitioner that the delay in the registration of FIR further raises doubts about the credibility of the prosecution story. Admittedly, as per the FIR, the informant had knowledge about the disappearance of her daughter on 17.05.2026, however, the FIR was registered on 21.05.2026. There is no cogent reason provided for the inordinate delay.

7. Learned counsel for the petitioner further submits that no injury was found on the private part of the victim and no spermatozoa was detected. It is next submitted that the victim had initially refused to undergo medical examination on 22.05.2026, and thereafter, her medical examination was conducted on 27.05.2026. Petitioner has clean antecedent and is languishing in judicial custody since 22.05.2026. Investigation

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has been completed and charge-sheet has been filed.

8. Learned A.P.P. appearing on behalf of the State as well as learned counsel for the informant has vehemently opposed the prayer for bail of the petitioner. Learned counsel for the informant on the other hand submits that, as per the medical report dated 03.07.2026, the hymen was found to be ruptured.

9. Considering the aforesaid facts and circumstances of the case, the period of custody as also taking into consideration the age of the petitioner as well as the statement of the victim recorded under Section 183 of the BNSS denying of any sexual assault by the petitioner and his family members, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, West Champaran, Bettiah/concerned court in connection with Shikarpur (West Champaran) P.S. Case No. 527 of 2026, subject to following conditions:-

(i) one of the bailors should be the family member/close relative of the petitioner.

(ii) the petitioner shall co-operate in trial and will remain present on all dates personally or should be duly represented through his counsel and whenever required to be

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physically present by the court, he should physically appear in the court on that date.

(iii) if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Kumar Manish, J)

Abhishek/-

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