

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70109 of 2025

Arising Out of PS. Case No.-166 Year-2025 Thana- DHANAHA District- West Champaran

Angesh Kushwaha @ Agesh Kushwaha son of Vikram @ Vikrama Kushwaha
@ Vikram Kushwaha Resident of Village- Ramadhar PS- Padarauna, Dist-
Kushi Nagar UP

... .. Petitioner/s

Versus

1. The State of Bihar
2. Surendra Yadav Son of Late Rameshwar Yadav Resident of Village- Jogi Tola, Ps- Dhanaha, Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithvi Nath Mishra
For the Opposite Party/s : Mr. Anant Kumar 1

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 10-02-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 64(1), 65(1), 70(2), 3(5) of
the B.N.S and Section 4 and 6 of the POCSO Act.

3. Learned counsel for the petitioner submits that the
First Information Report itself indicates that the informant's
minor daughter had left the house after attending to a phone call
which was made by one Munna Ansari and not the petitioner. It
has been further submitted that the victim had herself left the
house and subsequently a false allegation has been made on the
accused persons including the present petitioner. It has also been
submitted that the medical report does not corroborate the



prosecution version as no evidence of sexual assault was found on the person of the victim. The petitioner is in custody since 26.05.2025 and the charge-sheet has been submitted.

4. Learned APP for the State has opposed the application for bail on the ground of seriousness of allegations made in the FIR of committing gang-rape.

5. Taking into consideration the seriousness of the allegations and also considering that the case has been supported by the victim in her statement under Section 183 of the B.N.S.S., coupled with the age of the victim, I am not inclined to enlarge the petitioner on bail.

6. Accordingly, his prayer for bail is rejected in connection Dhanaha P.S. Case No. 166 of 2025.

(Soni Shrivastava, J)

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