

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69923 of 2025

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

Niraj Kumar Son of Shatrughan Singh R/o Village - Barani, P.S. -Charpokhari, Dist. - Bhojpur, Pin code - 802223.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Butan Sah Son of Sri Badhai Sah R/o Village - Barni, P.S. -Charpokhari, Dist. - Bhojpur, Pin code - 802223.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rohit Mishra, Adv.
For the Opposite Party/s	:	Mr. Shahabuddin Azeem @ S. Azeem, APP
For O.P. No. 2	:	Mr. Neeraj Kumar, Adv. Mr. Pawan, Adv.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

5 09-01-2026 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. This is second attempt for grant of regular bail application to the petitioner.

3. Earlier, *vide* order dated 13.05.2025 passed in Criminal Miscellaneous No. 8448 of 2025, the petitioner's bail application was rejected on the ground that he has concealed his criminal antecedent stating that he has clean antecedent. But learned A.P.P. as well as learned counsel for the informant pointed out that the petitioner has one criminal case against him bearing Charpokhari P.S. Case No. 230 of 2024 dated 20.10.2024 under Sections 126(2), 109, 115(2), 352, 351(2),



303(2) and 3(5) of the Bharatiya Nyaya Sanhita and Section 27 of the Arms Act and vehemently opposed the prayer for bail of the petitioner.

4. The petitioner seeks bail in connection with Charpokhari P.S. Case No. 253 of 2024 dated 12.11.2024 registered for the offence punishable under Sections 126(2), 115, 109, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 4/6 of POCSO Act.

5. The prosecution case, in short, is that on 04.11.2024 at about 09:00 am, the son of informant had gone to attend the call of nature then, suddenly petitioner came and snatched the key of his bike and started using abusive language. It is further alleged that petitioner dragged the son of the informant in the godown of PACS and called his friends. His friends namely, Kanhaiya Kumar Pathak and Kundan Kumar came over there, thereafter they stripped the informant's son naked and started assaulting him. When the son of the informant protested, then petitioner made unnatural sex with him and Kundan Kumar and Kanhaiya Kumar were making video. It is also alleged that they inserted stick (*danda*) in the private part of the son of informant.

6. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. It is submitted that the F.I.R. has been lodged after delay of 8 days of the occurrence without any plausible explanation. It is further submitted that the alleged victim was examined by the doctor, who did not find any anal injury. Lastly, it has been submitted that the petitioner is in custody since 06.12.2024, having one criminal case against him and charge-sheet has been submitted in the case.

7. On the other hand learned A.P.P for the State as well as learned counsel for opposite party no. 2 opposes the prayer for bail of the petitioner.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gaya in connection with Charpokhari P.S. Case No. 253 of 2024.

(Khatim Reza, J)

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