

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71644 of 2025

Arising Out of PS. Case No.-91 Year-2025 Thana- SANICHARI District- West Champaran

Lalbabu Prasad S/O Late Chanchal Prasad @ Late Chanchal Prasad Mahto,
R/O Vill.- Ward No. 9, Bahuarwa, P.S.- Shanichari, District- West
Champaran. Petitioner/s

Versus

1. The State of Bihar.
2. XXXX W/O YYYY R/O Vill.- Shanichari Colony, Ward No. 02, P.S.-
Shanichari, District- West Champaran. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Umesh Kumar Gupta, Advocate Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh, APP
For the Informant	:	Mr. Manaur Alam, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 15-01-2026 Heard learned counsel appearing on behalf of the

petitioner, learned Additional Public Prosecutor appearing on

behalf of the State and learned counsel appearing on behalf of the

informant.

2. The accused/petitioner apprehending his arrest in

connection with Sanichari P.S. Case No. 91 of 2025 registered for

the offences punishable under Sections 126(2), 115(2) 75, 352,

351(2), 351(3), 3(5) of Bhartiya Nayay Sanhita 2023.

(Corresponding to old Sections 341, 323, 354(A), 504, 506, 34)

as well as Sections 10 and 12 of POCSO Act.

3. The allegation against the petitioner is to commit

sexual assault (non-penetrative) and also of sexual harassment



upon the minor daughter of the informant. It is alleged that the occurrence took place in the school, where the daughter of the informant was the student and this petitioner was the teacher.

4. It is submitted by Mr. N.K. Agrawal, learned senior counsel appearing on behalf of the petitioner that the occurrence *qua* sexual assault is available against co-accused Vakil Rijwani and this petitioner was alleged only to extend a corporeal punishment connected with study of daughter of the informant. It is submitted that due to corporeal punishment, the present allegation raised against this petitioner also whereas in actual the culprit is the co-accused Vakil Rijwani and this fact appears supported with statement of victim as recorded under Section 183 of the BNSS. Explaining criminal antecedent, it is pointed out that petitioner found involved in one more criminal case, where he is on bail.

5. Learned APP, duly assisted by learned counsel Mr. Manaur Alam, appearing on behalf of the informant, while opposing the prayer of bail fairly conceded that the allegation of sexual assault is not available against this petitioner, who is the teacher of same school, where co-accused Vakil Rijwani was the teacher.

6. In view of aforesaid factual submissions and by



taking note of fact as allegation *qua* sexual assault appears not available against this petitioner, where *prima facie* under the garb of corporeal threatening being teacher of daughter of the informant, the petitioner appears implicated, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge POCSO cum District and Additional Sessions Judge-VI, Bettiah, West Champaran/concerned Court, where the case is pending in connection with Sanichari P.S. Case No. 91 of 2025 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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