

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72307 of 2025**

Arising Out of PS. Case No.-75 Year-2025 Thana- SINDHUGAR District- Gaya

Sajan Kumar @ Indradeo Kumar, S/o Late Somar Yadav, R/o villagr - Dhelwa  
Taand, P.S.- Sindhugarh, Distt.- Gaya

... .. Petitioner

Versus

1. The State of Bihar
2. Anshu Kumar D/o Surendra Yadav R/o village - Sindhugarh, Ward No. 07,  
P.S.- Sindhugarh, Distt.- Gayaji

... .. Opposite Parties

**Appearance :**

For the Petitioner/s : Mr. Sheikh Arkan Ahmad, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      05-02-2026                      Heard learned counsel for the petitioner and learned  
  
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection  
  
with Sindhugarh P.S. Case No.75 of 2025 registered for the  
  
offences punishable under Sections 70(1) of the Bhartiya  
  
Nyaya Sanhita, 2023 (for short 'B.N.S.'), Section 67-B of the  
  
I.T. Act as well as Section 4 of the Protection of Children from  
  
Sexual Offences Act.

3. The accused/petitioner is named in the FIR and is  
  
in custody since 05.07.2025.

4. As per FIR, co-accused Sajan Kumar committed



rape upon the informant/victim aged about 17 years, which was video-graphed by one co-accused namely, Binod Kumar and this petitioner. It is alleged that Binod Kumar also demanded sex from informant as not to make viral the video of the occurrence captured by them.

5. It is submitted by learned counsel appearing on behalf of the petitioner that the allegation of kidnapping or sexual assault is not available as per statement of victim recorded under Section 183 of the BNSS. It is submitted that out of consent, the petitioner came to the house of the informant and, thereafter, physical relationship was established. It is submitted that as the video was made viral by co-accused person, the present case was lodged.

6. Arguing further, it is submitted that still not even a single prosecution witness was examined in this case, whereas petitioner remains in custody since last seven months. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence and moreover



petitioner is a man of clean antecedent.

6. Learned APP opposed the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as the statement of victim recorded under Section 183 of the BNSS *prima facie* negates the allegation of kidnapping and sexual assault, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 05.07.2025, accordingly, the petitioner, above-named, 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 Exclusive Special Judge POCSO-cum-A.D.J.-VII, Gaya Ji in connection with Sindhugarh P.S. Case No.75 of 2025, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the BNSS.

**(Chandra Shekhar Jha, J.)**

Sanjeet/-

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