

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77826 of 2025

Arising Out of PS. Case No.-179 Year-2025 Thana- GOPALPUR District- West Champaran

Suraj Kumar S/o Ramawtar Baitha R/o Village- Bakulahar, P.S- Gopalpur,
Dist- West Champaran (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. xxxxx D/o Suresh Sah R/o Village- Satgathiya, ward No. 2, P.S- Gopalganj,
Dist- West Champaran, Bettiah

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 13-01-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Gopalpur P.S. Case No. 179 of 2025 instituted for the offence
under Sections 74, 75(2) & 79 of the Bharatiya Nyaya Sanhita,
2023, Section 37 of the Bihar Prohibition and Excise
Amendment Act and Sections 8 & 12 of the POCSO Act.

3. Prosecution case, in brief, is that petitioner
committed sexual assault with the victim in drunken state.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 26.09.2025. Petitioner
bears three criminal antecedents, as per disclosure made in



paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Referring to the statement of the victim recorded under Section 183 of the BNSS, 2023, it is submitted that victim has not supported the prosecution case. From perusal of the FIR, it would manifest that parties are co-villager.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and there being no allegation made in the statement of the victim recorded under Section 183 of the BNSS, 2023, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gopalpur P.S. Case No. 179 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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