

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78149 of 2025

Arising Out of PS. Case No.-467 Year-2025 Thana- MAJHAULIA District- West Champaran

Sandeep Sah @ Sanjit Kumar Sah S/O Gauri Shankar Sah @ Shankar Sah
R/O Vill.- Parsa Dumariya, P.S.- Majhauria, Dist.- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sima Devi W/O Prem Shankar Yadav R/O Village- Parsa Dumariya, Ward No.-6, P.O.- P.S- Majhauria, Distt.- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhilshwar Kumar Shrivastva, Adv.

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

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

4 19-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with Majhauria P.S. Case No. 467 of 2025 (SGR No. 68/2025) for the offence punishable under sections 126(2), 127(2) 115(4), 331(4), 352, 351(2), 3(5) of the BNS lodged on 13.07.2025 by the informant.

3. As per the prosecution case, the allegation against the petitioner is that he surreptitiously entered into the house of the informant and tried to tease her minor daughter who was sleeping in her room. It is further alleged that the family members of the informant was threatened of dire consequences at the end of the petitioner.



4. Learned counsel for the petitioner submits the petitioner has been implicated in this case only on the basis of personal grudge and there is a delay of five days in lodging of the FIR. It is next submitted that the victim has got her statement recorded under Section 164 of Cr.P.C/183 BNSS and there is no allegation of sexual assault having been made against this petitioner. It is the case of the petitioner that because of certain land dispute between the parties owing to which, the petitioner has falsely been implicated. Lastly, it has been submitted that the petitioner has remained under judicial custody since 25.09.2025.

5. Pursuant to the notice issued *vide* order dated 22.01.2026 to the Opposite Party No.2/informant, the informant has entered appearance through Sri Shyam Sunder, learned counsel, who opposed the prayer for bail but does not dispute the factual position that there is no sexual assault having been made upon the victim.

6. Learned APP vehemently opposes the prayer for bail.

7. Considering the statement recorded under Section 164 of Cr.P.C/183 BNSS, where there is no allegation of sexual assault having been made against this petitioner and the fact that



the petitioner has remained under judicial custody since 25.09.2025, the investigation is completed and the charge-sheet has been filed, this Court is inclined to extend him the privilege of bail.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ***Special Judge, POCSO-cum-DASJ 6th, West Champaran at Bettiah***, in connection with aforesaid PS Case, subject to the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist



*from committing any criminal offence again,
failing which the State shall be at liberty to
take steps for cancellation of his/their bail
bonds.*

(Ajit Kumar, J)

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