

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79325 of 2025

Arising Out of PS. Case No.-75 Year-2025 Thana- BANGAWON District- Saharsa

Sushil Kumar @ Sushil Dharkar S/O Yogendra Hari Resident of Village-
Safabad Dharkar Tola, P.S.- Bangaon, Dist.- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. F W/O Ram Bilas Tanti R/O Vill.- Bariyahi, Safabad, Ward no. 10, P.S.-
Bangaon, Dist.- Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Harun Quareshi, Advocate

For the Opposite Party/s : Ms. Renuka Ratnakar, APP-125

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2026 Heard Md. Harun Quareshi, learned counsel for the

petitioner as well as Ms. Renuka Ratnakar, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
14.06.2025 in connection with Bangaon P.S. Case No. 75 of
2025, F.I.R. dated 16.05.2025 for the offences punishable under
Sections 126(2), 115(2), 118(1), 76 of the Bharatiya Nyay
Sanhita, 2023 and 8, 12 of POCSO Act.

3. According to prosecution case, the informant
alleged that when her daughter and her cousin daughter went for
nature's call, in the meantime, the petitioner caught informant's
daughter and tried to outrage her modesty.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. It appears from the FIR that the petitioner had done nothing wrong with the informant's daughter. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 14.06.2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Court, POCSO, Saharsa in connection with Bangaon P.S. Case No. 75 of 2025, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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