

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80138 of 2025

Arising Out of PS. Case No.-61 Year-2024 Thana- MAHILA PS District- Aurangabad

Nitish Thakur @ Nitesh Thakur Son of Sudarshan Thakur Resident of Village - Jhari, Police Station - Mohammedganj, Dist. - Palamu(Jharkhand).

... .. Petitioner

Versus

- 1. The State of Bihar
- 2. Xxxx resident of village xxxxxx
- 2. Xxxx Son of Yyyy R/o Village - Navjadik Sadan, Kunda House, Dist. - Aurangabad(Bihar).

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kumar Ravish, Advocate
For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 26-02-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Mahila Thana P.S. Case No. 61 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 74, 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the ‘B.N.S.’) and section 8 and 12 of the Protection of Children from Sexual Offences Act (in short, the “POCSO Act”).

3. As per FIR, petitioner alleged to tease/sexual assault (non-penetrative) upon the



daughter of the informant while she was going to school and when act of the petitioner was reported to his parents, they abused and assaulted the informant on 21.09.2024.

4. Learned counsel appearing on behalf of the petitioner submitted that in fact one occurrence related with neighborhood dispute took place on 21.09.2024 where the informant of this case assaulted the petitioner for which the petitioner lodged a case which was registered as Aurangabad Town P.S. Case No. 674/2024 dated 22.09.2024. It is submitted that in retaliation of aforesaid case, the present case was lodged on 30.09.2024, making with aggravated allegation of eve teasing and sexual assault. Considering all such aspects, police, after investigation, submitted closure report against the petitioner, but learned jurisdictional Magistrate took cognizance by taking a different view. Petitioner claimed clean antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.



6. In view of the aforesaid factual submissions and by taking note of the fact as after investigation, police submitted closure report against the petitioner where parties are also appears in inimical terms, as discussed aforesaid, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Exclusive Judge (POCSO Act), Aurangabad/concerned court in connection with Mahila Thana P.S. Case No. 61 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short "B.N.S.S.").

(Chandra Shekhar Jha, J)

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