

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88142 of 2025

Arising Out of PS. Case No.-234 Year-2025 Thana- CHANPATIA District- West Champaran

Asgar Ali S/O Nazrul Mian Resident of Vill- Fatehpur, P.S.- Chanpatiya, Dist-
West Champaran Petitioner/s

Versus

1. The State of Bihar
2. X W/O Ramayan Sah R/O Vill.- Mahna Chowk,P.S- Gopalpur, Dist- West
Champaran Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the State	:	Mr. Ashok Kumar Singh, APP
For the Informant	:	Ms. Preeti Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-04-2026

Heard Mr. Sanjeev Kumar, learned counsel for the petitioner, Mr. Ashok Kumar Singh, learned Additional Public Prosecutor for the State as well as Ms. Preeti Kumari, learned counsel for the Informant.

2. Petitioner seeks bail who is in custody since 01.11.2025 in connection with Chanpatiya P.S. Case No.234 of 2025, F.I.R. dated 31.10.2025 for the offences punishable under Sections 74, 75, 3(5) of the Bharatiya Nyay Sanhita, 2023 and Section 4, 8 of POCSO Act.

3. According to prosecution case, it is alleged that the when the daughter of the informant was playing in the school during lunch time then the petitioner along with other co-accused person lured her and took her to graveyard at some distance from



Dumra village and asked her to take some medicine and biscuits. When she refused, they started teasing her and when she shouted they pushed her in water. At the same time, a man coming on bike pulled her out of water and dropped her home.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case due to some ulterior motive and village politics. The statement of the victim was recorded under Section 183 BNSS in which she did not state anything about sexual assault and apart from that it has come in paragraph no.42 of the case diary that the victim has refused for her medical examination. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 01.11.2025.

5. The learned Additional Public Prosecutor and learned counsel for the Informant have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, petitioner has clean antecedent and the victim did not state anything about sexual assault and she had refused for her medical examination, 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 Judge POCSO-cum-D.A.S.J-VI, Bettiah, West Champaran in connection with Chanpatiya P.S. Case No.234 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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