

(2025) 10 JH CK 0080

Jharkhand HC

Case No: A.B.A. No. 5740 of 2025

Ankur Kumar Sinha

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision: Oct. 17, 2025

Acts Referred:

- Bhartiya Nagrik Suraksha Sanhita, 2023 — Section 482(2)
- Bharatiya Nyaya Sanhita, 2023 — Section 3(5), 64(1), 351(2)
- Protection of Children from Sexual Offences Act, 2012 — Section 4, 6

Hon'ble Judges: sanjay Kumar Dwivedi, J

Bench: Single Bench

Advocate: Ankit Kumar, Sushma Aind

Final Decision: Allowed

Judgement

Sanjay Kumar Dwivedi, J

1. Heard learned counsels for petitioner and for State.
2. The petitioner is apprehending his arrest in connection with Hirodih PS Case No.61 of 2025, for offence registered under section 64(1), 351(2), 3(5) of BNS, 2023 and section 4/ 6 of POCSO Act, pending in court of learned Additional Sessions Judge VIII Cum Special Judge, POCSO Act, Giridih.
3. Learned counsel for petitioner submits that the petitioner has nothing to do with the alleged occurrence and the petitioner has been falsely implicated in the present case of rape. He further submits that only allegation is made against the petitioner is that the petitioner was standing outside the shop and in the shop the alleged occurrence has occurred and the allegation of rape was against the other coaccused persons. He then submits that alleged occurrence is said to be of dated 12.5.2025 whereas the FIR has been registered on 20.05.2025. He next submits that the charge sheet has been submitted against only one accused person and the investigation is kept open.

4. Learned State counsel opposes prayer and submits that the concerned shop is of the petitioner where the alleged occurrence is said to be occurred.

5. Considering that the only allegation is there against the petitioner that he was standing outside the shop and charge sheet has been submitted against the coaccused against whom the allegation of rape is there and in the case diary the medical report discloses in paragraph no.94 wherein it has been stated that no positive sign of sexual assault has been found and the alleged occurrence is said to be of dated 12.5.2025 whereas the FIR has been registered on 20.05.2025, I am inclined to grant anticipatory bail to petitioner.

6. Accordingly, petitioner, above named, is hereby directed to surrender before learned court within three weeks from today, and in event of his surrender/arrest, petitioner, above named, shall be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, to satisfaction of learned Additional Sessions Judge VIII Cum Special Judge, POCSO Act, Giridih, in connection with Hirodih PS Case No.61 of 2025, subject to the conditions as laid down under section 482(2) of Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023.