

**IN THE COURT OF DISTRICT AND ADDITIONAL SESSIONS JUDGE-1st-CUM-
SPECIAL JUDGE (SC/ST, NDPS & CHILDREN ACT)
AURANGABAD (BIHAR)**

ANTICIPATORY BAIL APPLICATION NO. 589 OF 2026

AURANGABAD(TOWN) PS CASE NO: 05/2026

Chhotu @ Rahul Kumar, aged about 14-1/2 years, S/o-Upendra Yadav, R/o Village-Satyendra Nagar, PS-Town District-Aurangabad(Bihar)

....Petitioner

Versus

State of Bihar

....Prosecution

Appearance:

Learned Counsel for the accused-petitioner
Learned Counsel for the State

- Shri Ashok Kumar Gupta, Ld. Advocate
- Shri Ram Naresh Prasad, Ld. APP

Order with signature of the Court

**Dated
24.04.2026**

An anticipatory bail preferred on behalf of the accused-petitioner namely **Chhotu @ Rahul Kumar**, who apprehends his arrest in connection with **Auranabad(Town) PS Case No. 05/2026** under Section 64, 351(2),352,3(5) of the Bhartiya Nyaya Sanhita (BNS), 2023. The LCR and CD have been received. The copy of the bail petition has been served to the Ld. APP for the State. After furnishing the copy of the bail petition to the Additional Public Prosecutor and this bail petition pressed today.

Heard, the Learned Advocate for the petitioner and the Learned A.P.P. for the State.

As per written application of the informant Punam Kumari, aged about 22 years, W/o-Kamlesh Yadav, the long and short of the prosecution case is that she has been renting a hosue owned by Bablu Singh for two years. She had contacted with the accsued Chhotu Kumar who was communicateing with her. He lured the informant with the promise of marriage and continued to have physical relations for two months and also made video her committing indecedent acts with him in her mobile. The accsued has circulated the video among his friends and also threatening the informant to have regular sex with him or else he will make the video viral everywhere. It is also alleged that the petitioner and his friend Abhishek Kumar are threatening the informant abusing her, saying that if she file a case they will not let her live. Hence, the FIR has been registered.

The learned counsel for the petitioner pressing the bail application, reciting the contents of the F.I.R. has tried to show that the accused-petitioner is innocent and has committed no offence. No bail petition was filed on behalf of the petitioner either before this court or higher court. Nothing has happened as alleged by the informant. He further submitted that the petitioner 14-1/2 years old and informant is 35 years old. The informant has three children. Indeed, the informant is a tenant in the house of Bablu Singh. There has been having a dispute between the petitioner's father and Bablu Singh. The petitioner teach tuition in the informant's house to Ishu and on this pretext, Bablu Singh

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got the informant to sign and brought the matter to the police station and got a false case registered to settle the enmity. When the informant came to know about the whole matter, she vacated the house of Bablu Singh and entered into a compromise with the petition in this case. It is further submitted that there is no any truth as the allegations levelled in the FIR, neither any video was made by the accused or viral the or any video was seized by the police. The alleged sections are not applicable against the petitioner. The petitioner has no criminal history. The learned counsel for the accused-petitioner has submitted that he is ready to furnish bail bonds of reasonable amount to the satisfaction of this court. Hence, he prayed to enlarge the petitioner on anticipatory bail.

Per-contra, Shri Ram Naresh Prasad, the learned Additional Public Prosecutor appeared on behalf of the State has vehemently opposed the bail and prayed to reject the anticipatory bail petition.

Perused the case record as well as case diary and perusal of case diary, it transpires that the petitioner is named in FIR. The allegation against the petitioner is that he lured the informant with the promise of marriage and continued to have physical relations with her and also made video her committing indecent acts with him in her mobile. The accsued has circulated the video among his friends and also threatening the informant to have regular sex with him or else he will make the video viral everywhere. From perusal of the case record, it appears that the victim married woman has stated in her statement U/s-183 of the BNSS, she is 34 years old and her mind is not working. She run away herself for three days and then come back house. Nothing has happened with her. She was thinking that some one is saying that her video had become so controversial, so she went to the Police Station and got registered the case. She further deposed that she has been having brain problems for about 1-1/2 years. She has taken some medicines and now she is well. She was never sexually assaulted or molested. On perusal of the case record, it transpires that a joint compromise petition by the informant and accused-petitioner bears their signature has also been filed and a cordial relationship has been developed between them and the informant does not want to proceed with the case. Further, it also transpires from the case record, the age of victim is 34 years as per her Aadhar-card and Jimmenama application submitted by her from which it is clear that the victim was major at the time of occurrence and she is free to take her decision on her own will. On the other hand, the date of birth of the accused-petitioner is 07.07.2011 as per his registration card of Bihar School Examination Board and he was 14 years, 04 months and 04 days old at the time of alleged occurrence which prima facie indicated that the accused-petitioner is a juvenile. Further, it appears that if the victim is major and the accused is minor, then how the physical relations was continued with informant by the accsued without her consent. It means the informant/victim have herself conent to have physical relations to the minor accused and exploited the minor and has herself committed the offence under the POCSO Act. ***"In this context, it is held in a landmark Supreme Court judgment passed in Sakiri Vasu Vs. State of U.P. (2007) that empowered Magistrate under***

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Section 156(3) of the Cr. PC to monitor police investigations and order the registration of an FIR". The Court held that alternative, efficient remedies exist within the Code. The accused-petitioner has no criminal history. The investigation is still going on.

Considering the above facts and circumstance as well as the argument advanced by the learned counsel for the accused-petitioner and without going to the merit of this case, the accused-petitioner upon arrest by the police or surrender in the court of competent jurisdiction, the accused-petitioner is granted **provisional bail** on furnishing bail bonds of Rs. 10,000/-(Ten thousand) with two sureties of like amount each to the satisfaction of the Court below till from today to **24.04.2026 to 30.04.2026** and the accused-petitioner is directed to surrender before this Court on **01.05.2026** within court hours for hearing of this bail petition on merit.

The Ld. CJM, Aurangabad(Bihar) is directed to give order to the Officer-In-charge, Town PS to register the FIR under the relevant provisions of POCSO Act as per the judgment cited above.

Put up this case on 01.05.2026 for producing the video filmed by the accused and awaiting for supplementary case diary.

Dictated and corrected by me.

(Vishwa Vibhuti Gupta)
District & Additional Sessions Judge-1st-cum-
Special Judge (SC/ST, NDPS & Children Act)
Aurangabad, Bihar
Dated: 24.04.2026

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