

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2698 of 2025**

Arising Out of PS. Case No.-130 Year-2024 Thana- RAMGARHWA District- East  
Champaran

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Rohit Kumar @ Rohit Thakur @ Rohit Prasad Son of Lalan Prasad R/o  
Village- Pandey Tola, P.S.- Nautan, District- West Champaran.... Petitioner/s  
Versus

1. The State of Bihar.
  2. Rudal Thakur son of Babulal Thakur R/o village- Adhkapariya, Ps-  
Ramgarhwa, dist- East Champaran.
- ... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate  
For the Opposite Party/s : Mr.Jai Narain Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

8      21-08-2025                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with  
  
Ramgarhwa P.S. Case No. 130 of 2024, registered for the  
  
offence under Sections 365, 366A/34 of the Indian Penal  
  
Code & 8 of POCSO Act (charge-sheet submitted under  
  
Sections 365, 366, 376(3)/34 of the Indian Penal Code & 8  
  
of POCSO Act.

3. The accused/petitioner is not named in the F.I.R.  
  
and is in custody since 06.09.2024.

4. As per FIR, named co-accused persons kidnapped  
  
the minor daughter of the informant aged about 13 years for



the purpose of illicit intercourse/marriage with another person.

5. Learned counsel appearing on behalf of the petitioner submitted that the petitioner implicated with present case out of orchestra business rivalry for which this victim was made instrumental. It is pointed out that in fact named co-accused Akhilesh Prasad kidnapped the minor daughter of the informant, whereafter she joined orchestra and was performing there continuously and on such an occasion, when a police raid was conducted, she was found sleeping with said co-accused Akhilesh Prasad but while recording her statement under Section 164 of Cr.P.C., she nothing stated incriminating against said co-accused Akhilesh Prasad, who is now on bail and raised entire allegation against this petitioner. It is further submitted by learned counsel that as per radiological examination, victim was found major as she was found between the age group of 18-19 years and, moreover, medical examination of victim also not suggesting anything incriminating medically that she was subjected to sexual assault. While concluding argument, it is submitted



that petitioner is in custody since 06.09.2024 and even charge could not framed in this matter. It is submitted that victim was not examined within one month from the date of cognizance in terms of Section 35(1) of the POCSO Act and, therefore, the chance of conclusion of trial within preferred time line period of one year in terms of Section 35(2) of the POCSO Act also appears remote. Petitioner claims clean antecedent.

6. Learned APP opposed the prayer of bail.

7. Despite of service of notice through S.P., Munger, complainant failed to join the proceedings.

8. Considering the aforesaid factual submissions and by taking note of fact as the petitioner remains in custody since 06.09.2024, where the statement of victim appears contradictory, coupled with the fact that the trial of this case is not likely to conclude within one year in view of Section 35 (2) of the POCSO Act, as even charge could not frame by the learned trial court, accordingly, petitioner above named, is directed to be released on bail in connection with Ramgarhwa P.S. Case No. 130 of 2024 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 7<sup>th</sup> District & Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

**(Chandra Shekhar Jha, J)**

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