

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2886 of 2025

Arising Out of PS. Case No.-358 Year-2024 Thana- SHERGHATI District- Gaya

Kiran Devi @ Gudia Devi W/O Ramnath Paswan R/O Village- Afzalpur, P.S- Sherghati, Dist.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Munarik Paswan S/O Late Rajdeo Paswan R/O Village- Afjalpur, P.S- Sherghati, Distt.- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Alok Kumar Alok, Adv.
Mr. Ajay Kumar Sinha, Adv.
Ms. Varsha Verma, Adv.
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 11-08-2025 Heard the parties.

2. The petitioner seeks bail in connection with Sherghati P.S. Case No. 358 of 2024 registered for the offence under Sections 65(1), 96, 112, 143, 144 of the BNS and Section 4, 6, 17 of POCSO Act.

3. The petitioner is named in the F.I.R. and is in custody since 14.07.2024.

4. The allegation against the petitioner is to kidnap the informant, who at the time of occurrence was minor.

5. Learned counsel appearing on behalf of the petitioner submitted that there is no allegation against petitioner as per the statement of victim recorded under Section 183 of



BNSS except that she kept her in the house of her known co-accused namely, Kalo Devi @ kali Devi on assurance of marriage of the victim with perfect match but in her absence co-accused Kalo Devi @ kali Devi took away the victim to Kanpur, where she was kept in the house of one person namely, Sunil Kumar, who committed rape upon the victim. It is pointed out that said Kalo Devi @ kali Devi considering the custody period was granted bail by learned trial court. It is submitted that with aforesaid allegation petitioner remains in custody for more than one year and only charge was framed in this matter. It is submitted that even victim was not examined within one month from the date of cognizance, in view of Section 35(1) of the POCSO Act and therefore the conclusion of trial is also a remote aspect as same not appears to conclude within prescribed time period as per provision available under Section 35(2) of POCSO Act. It is submitted that on this ground alone petitioner deserves bail, who is a lady of clean antecedent.

6. Learned APP opposes the prayer of bail.

7. None appeared on behalf of informant despite of service of notice.

8. In view of aforesaid factual submission and by



taking note of fact as petitioner remains in custody for more than one year, where not even a single witness was examined during the trial including victim, which *prima-facie* appears defying legal provisions of Section 35(1) and 35(2) of POCSO Act, coupled with fact that petitioner remains in custody since 14.07.2024, accordingly petitioner above named, is directed to be released on bail in connection with Sherghati P.S. Case No. 358 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 Exclusive Spl. Judge POCSO cum Addl. Sessions Judge VII, Gaya /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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