

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4409 of 2025

Arising Out of PS. Case No.-343 Year-2024 Thana- SAUR BAZAR District- Saharsa

1. Sudhir Kumar S/O Tej Narayan Yadav R/O Village-Thadhi Ward no. 5, PS-Saur Bazar ,District- Saharsa
2. Amarjeet Kumar S/O Raj Kishore Yadav R/O Village-Thadhi Ward no. 5, PS-Saur Bazar ,District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rudal Paswan S/O Late Sukhdev Paswan R/O Village- Thadhi Ward no. 5, PS-Saur Bazar, District- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Shankar Shrivastava, Adv.
For the Opposite Party/s	:	Ms. Anita Kumari, APP
For the Informant	:	None

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 23-04-2025 Heard learned counsel for the petitioners and learned APP for the State. In spite of valid service of notice upon the O.P. No.2, no one appears on his behalf. Perused the case diary.

2. The petitioners seek bail in connection with Special POCSO Case No. 72 of 2024 arising out of Saur Bazar P.S. Case No. 343 of 2024 instituted for the offences under Sections 363, 365, 366(A), 34 of the Indian Penal Code and Section 4/18 of the POCSO Act.

3. As per prosecution case, accusation against the accused persons including the petitioner is of taking away the



minor daughter of the Informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. The petitioners have not committed any offence as alleged in the F.I.R. Learned counsel for the petitioners submits that there is no direct or specific allegation of any overt act against the petitioners rather the same is general and omnibus in nature. He further submits that there is delay of three days in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. He further submits that the victim girl in her statement recorded under Sections 161 and 164 of the Cr.P.C. has not levelled allegation of sexual assault against the petitioners. The doctor has also not found any alive or dead spermatozoa in the vaginal swab of the victim. The petitioners have no criminal antecedent and are languishing in judicial custody since 17.07.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners, stating that the offence alleged against the petitioners is serious in nature. The Investigating Officer after



completion of investigation has submitted charge-sheet against the petitioners under Sections 363, 366(A), 376(3), 34 of the I.P.C., Section 4/6 of the POCSO Act and Sections 3(i)(r)(s) (wii), 3(2)(va), 3(2)(v) of the SC/ST Act. The victim girl in her statement recorded under Sections 161 and 164 of the Cr.P.C. has supported the prosecution case. The victim girl is minor. Accordingly, the petitioners do not deserve bail.

6. Having heard learned counsel for the parties and considering the entire facts and circumstances of the case as also the nature and gravity of the offence, this Court is not inclined to grant bail to the petitioners.

7. Accordingly, the prayer for bail of the petitioners, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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