

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6384 of 2025

Arising Out of PS. Case No.-214 Year-2024 Thana- MADHUBAN District- East Champaran

Bipin Yadav @ Bipin Kumar Yadav, son of Birendra Rai, Resident of village -
Kasba Tola Jitaura, P.S.- Madhuban, Dist- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. Dina Sah, son of Bihari Sah, resident of village-Kasba Tola, Jitaura, P.S.-
Madhuban, Dist- East Champaran

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Abhishek Kumar, Advocate
		Mr. Hemant Ray, Advocate
For the State	:	Ms. Pushpa Sinha, APP
For the Informant	:	Mr. Suraj Kumar Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 19-08-2025 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State duly assisted by

learned counsel appearing for the informant/O.P. No.2.

2. The accused/petitioner seeks bail in connection

with Madhuban P.S. Case No.214 of 2024 registered for the

offences punishable under Sections 363, 366A, 504, 506

read with 34 of the Indian Penal Code (in short ‘IPC’) and

section 8 of the Protection of the Children from Sexual

Offences Act (in short ‘POCSO Act’).

3. The accused/petitioner is named in the FIR and is

in custody since 03.08.2024.



4. Allegation against the petitioner is to kidnap the minor daughter of informant aged about 17 years for the purpose of illicit intercourse/marriage with another person.

5. It is submitted by Mr. Abhishek Kumar, learned counsel appearing for the petitioner that during investigation the statement of victim after her recovery was recorded under Section 183 of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS'), where she completely negate the allegation of kidnapping and penetrative sexual assault/rape against petitioner rather she stated that she on her own sweet will left her home and solemnized marriage with petitioner. It is further pointed that petitioner remains in custody since 03.08.2024 i.e. more than one year and not even a single prosecution witness was examined by the learned trial court. In this context, it is submitted that even victim could not be examined in view of Section 35(1) of the POCSO Act till date and, therefore, the conclusion of trial of this case is a remote aspect and same is not likely to conclude within preferred timeline of one year in view of Section 35(2) of the POCSO Act.



6. Learned APP duly assisted by learned counsel appearing for the informant while opposing the prayer of bail submitted that the petitioner was actively involved in the occurrence but, he could not disputed the factual aspects, as submitted above.

7. In view of aforesaid factual submissions and by taking note of fact as victim after recovery completely negate the allegation of kidnapping and sexual assault, coupled with the fact that despite of remaining in custody for more than one year even victim of this case could not examined by the trial court, suggesting *prima facie* that trial of this case is not likely to conclude within prescribed timeline of one year in view of Section 35(2) of the POCSO Act, accordingly, the petitioner, above-named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 7th District and Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari in connection with Madhuban P.S. Case No.214 of 2024, subject to the conditions as laid down under Section 437(3) of the



Code of Criminal Procedure (for short ‘CrPC’)/under Section
480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

Sanjeet/-

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