

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10244 of 2025

Arising Out of PS. Case No.-26 Year-2024 Thana- RAJIVNAGAR District- Patna

Rohit Kumar Son of Uday Sah Resident of Tadwa, P.S.- Naubatpur, Distt.- Patna at present C/O- Rakesh Singh, Nandanpuri Colony, P.S.- Rajiv Nagar, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mala Devi Wife of Ajay Malakar R/o- Bauri, P.S.- Hulasgang, Distt.- Jehanabad, at present C/O- Rakesh Singh, Nandanpuri Colony, P.S.- Rajiv Nagar, Distt.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikramadit
For the Opposite Party/s : Mr. Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 11-08-2025 Heard the parties.

2. The petitioner seeks bail in connection with Rajiv Nagar P.S. Case No. 26 of 2024 registered for the offence under Sections 376 AB of the I.P.C. and Section 4 and 6 of POCSO Act.

3. The petitioner is named in the F.I.R. and is in custody since 10.01.2024.

4. The allegation against the petitioner is to commit penetrative sexual assault upon minor daughter of informant aged about 5 years.

5. Learned counsel appearing on behalf of the



petitioner submitted that out of property dispute petitioner implicated falsely in present case who is none but the cousin brother of the victim. Learned counsel without much exploring the available merit, straightaway submitted that petitioner is in custody since 10.01.2024, where the last witness was examined on 20.07.2024 and, thereafter, not a single witness was examined and as such petitioner remains in custody for almost about one year and eight month, defying the provisions of Section 35(2) of POCSO Act as to conclude the trial preferably within one year from the date of cognizance. While concluding the argument, it is submitted that victim and her mother while examining before the court turned hostile and didn't supported the occurrence and therefore keeping petitioner in judicial custody shall not serve any purpose, moreover, petitioner is a man of clean antecedent and investigation of this case is completed, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the submissions as petitioner remains in custody since 10.01.2024, and onward



20.07.2024, there is no progress in trial, which *prima-facie* defying the prescribed preferred time period of one year as to conclude the trial in terms of Section 35(2) of the POCSO Act, accordingly petitioner above named, is directed to be released on bail in connection with Rajiv Nagar P.S. Case No. 26 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 Addl. Sessions Judge VI cum Spl. Judge POCSO, Patna /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS., subject to conditions that:-

“(i) That petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.”

(Chandra Shekhar Jha, J)

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