

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11922 of 2025

Arising Out of PS. Case No.-496 Year-2024 Thana- AMARPUR District- Banka

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Bittu Kumar Son of Vijay Kumar Resident of Village - Laugain, P.S. -
Amarpur, District - Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Putul Devi Wife of Randhir Kumar Resident of Village - Laugain, P.S. -
Amarpur, District - Banka

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Mishra

For the Opposite Party/s : Mr.Umeshanand Pandit

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 19-08-2025 Heard the parties.

2. The petitioner seeks bail in connection with

Amarpur P.S. Case No. 496 of 2024 registered for the

offence under Sections 115(2), 126(2), 352, 351(2),

3(5) of BNS and Section 12 of POCSO Act and Section

67(A) of IT Act.

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

custody since 20.01.2025.

4. The allegation against the petitioner is to

harass sexually the minor daughter of the informant aged

about 17 years alongwith co-accused persons and make



video viral of private moments of the victim with help of co-accused Nayan Kumar.

5. Learned counsel appearing on behalf of the petitioner submitted that as per narration of FIR there is nothing which can suggest that petitioner was involved in harassing sexually the minor daughter of informant rather it appears that he was only in talking terms with victim. It is submitted that with such allegations it can be gathered that talking was with sexual intent. It is also submitted that there is nothing on record or transpired during investigation which may suggest that petitioner at any point of time passed video clip to co-accused Nayan Kumar, who alleged to make video viral. It is further submitted that co-accused namely, Nayan Kumar has already granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 72189 of 2024 vide order dated 05.10.2024.

6. While concluding the argument, it is submitted that the victim of this case could not examined



within one month of the cognizance in terms of Section 35(1) of POCSO Act and, therefore, there is remote chance as to conclude the trial within preferred time of one year in terms of Section 35(2) of POCSO Act. It is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP while opposing the prayer of bail submitted that information regarding present pending proceedings already given to informant through S.P., Banka. Despite of effective service of notice, none appeared on behalf of the informant as to join present pending proceedings. It is submitted that petitioner was actively involved in occurrence.

8. In view of aforesaid factual submission and by taking note of fact it transpires *prima-facie* that talking of petitioner with victim over phone negate any sexual intent, where transfer of alleged video clip to co-accused



also appears doubtful, coupled with fact that investigation of this case is already completed, where the conclusion of trial of this case also appears remote as not likely to conclude within preferred time limit as prescribed under Section Section 35(2) of POCSO Act, where petitioner remains in custody since 20.01.2025, accordingly petitioner above named, is directed to be released on bail in connection with Amarpur P.S. Case No. 496 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 6th cum Special Judge POCSO, Banka /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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