

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11662 of 2025

Arising Out of PS. Case No.-310 Year-2024 Thana- RUNISAIDPUR District- Sitamarhi

Rajesh Sahani @ Rajesh Kumar Sahani @ Rajesh Kumar S/O Nageshwar Sahani Resident of Village Gaurigama, Ward No. 14, P.S. Runnisaidpur, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shakuntala Devi wife of Nageshwar Das Resident of Village - Morsand, Tole-Gaighat Tarwani, Ward No. 13, P.S. Runnisaidpur, District Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Adv
For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 06-08-2025 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Runnisaidpur P.S. Case No. 310 of 2024 registered for the offences under Sections 65 (1) & 109 (1) of the Bharatiya Nyaya Sanhita and Sections 4 & 6 of the POCSO Act.

3. The petitioner is named in the F.I.R. and is in custody since 30.08.2024.

4. The allegation against the petitioner is to commit rape/penetrative sexual assault upon daughter of the informant aged about 15 years, while she was unconscious due to head assault caused by this petitioner, where occurrence took place



while victim was picking dry wood in the nearby orchard.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated with the present case due to money dispute arising out of fish trade. It is submitted that it is a case of physical assault which in the background of monetary dispute given color of rape/penetrative sexual assault. It is pointed out that the victim was examined on the same very day, but nothing incriminating appears out of her medical report, which suggests rape/penetrative sexual assault was committed upon her. It is pointed out that till date only two prosecution witnesses were examined and, therefore, conclusion of trial is a remote aspect by defeating the time period prescribed under Section 35 (2) of the POCSO Act as petitioner remains in custody since 30.08.2024. It is pointed that during the trial both victim and informant were examined but they categorically denied that occurrence was committed by this petitioner for the reason that monetary dispute now stands compromised between the parties.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of aforesaid factual submission and by taking note of fact as occurrence took place admittedly when victim was



unconscious, where prima-facie occurrence not appears corroborating from her medical report, coupled with the fact as petitioner remains in custody since 30.08.2024, where trial is not likely to conclude within time period as prescribed under Section 35 (2) of the POCSO Act, accordingly above named petitioner, is directed to be released on bail in connection with Runnisaidpur P.S. Case No. 310 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 Additional Sessions Judge-VI-cum-Special Judge (POCSO Act) Sitamarhi/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

U		T	
---	--	---	--

