

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11259 of 2025

Arising Out of PS. Case No.-129 Year-2024 Thana- MAHILA PS District- Darbhanga

Bimlesh Ram Son of Late Ram Bilash Ram Resident of Village- Muriya Dih
Tola, P.S.- Bhalpatti, Dist- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi Wife of Ram Dular Ram R/O- Village- Muriya Dih Tola, Ward
No. 7, P.S.-Bhalpatti, Distt.-Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurav Anand

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

8 07-08-2025 Heard the parties.

2. The petitioner seeks bail in connection with

Mahila P.S. Case No. 129 of 2024 registered for the offences

under Sections 64, 351(2) of BNS and Section 4/6 of POCSO

Act.

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

custody since 29.11.2024.

4. The allegation against the petitioner is to commit

penetrative sexual assault/ rape upon the daughter of the

informant.

5. Learned counsel appearing on behalf of the



petitioner submitted that in the background of land dispute as petitioner is an immediate neighbor of the informant, the present false case was lodged. It is submitted that FIR in issue was lodged as an afterthought after three days. It is further pointed out that doctor categorically opined upon medical examination that there was no positive evidence to suggest commission of sexual assault upon victim. It is submitted that dispute *qua* land is now settled between the parties. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence and moreover trial in this case is not likely to conclude within one year as per the prescribed time period in terms of Section 35(2) of the POCSO Act from the date of cognizance and therefore on this score alone the petitioner deserves bail who is a man of clean antecedent and moreover, it is pointed out by learned counsel that during the course of investigation several witnesses while recording their statement under Section 180 of the BNSS categorically submitted that the informant was badly injured during the



occurrence but upon medical examination, no such injury as stated by them was found by doctor, *prima-facie* creating a doubt *qua* occurrence and same appears raised only to aggravate the allegation.

6. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that the allegation is specific against this petitioner, however, he could not dispute the period of custody as submitted above.

7. In view of aforesaid factual submissions and by taking note of medical report of victim in the background of statement of witnesses, which creates a doubt *qua* occurrence, coupled with the fact that petitioner remains in custody for nine months, where trial is not likely to be conclude within prescribed time period in terms of Section 35(2) of POCSO Act, accordingly petitioner above named, is directed to be released on bail in connection with Mahila P.S. Case No. 129 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 Special Judge (POCSO Act), Darbhanga /concerned court, subject to the conditions



as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS, subject to further condition 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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