

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11946 of 2025

Arising Out of PS. Case No.-298 Year-2024 Thana- RAMKRISHNANAGAR District- Patna

Sankesh Kumar, S/o Suren Pandit, R/o Village-Chak, Ward No. 5, P.S.-
Jalalgadh, District- Purnia

... .. Petitioner

Versus

1. The State of Bihar
2. Pramila Devi, W/o Vijay Prasad, R/o Porai, P.S.- Harnaut, Distt.- Nalanda

... .. Opposite Parties

Appearance :

For the Petitioner/s : Ms. Manisha Khushi, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 11-08-2025 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Ram Krishna Nagar P.S. Case No.298 of 2024 registered for the offences punishable under Sections 363 and 365 of the Indian Penal Code (in short 'IPC') but, later on, Sections 366A and 376 of the IPC and Section 4 of the Protection of the Children from Sexual Offences Act (in short 'POCSO Act') were added.

3. The accused/petitioner is named in the FIR and is in custody since 16.08.2024.

4. Allegation against the petitioner is to kidnap the



minor daughter of the informant for the purpose of illicit intercourse/marriage.

5. It is submitted by learned counsel appearing for the petitioner that after recovery, the statement of victim was recorded under Section 164 of the Code of Criminal Procedure (in short 'CrPC')/Section 183 of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS'), where she completely negated the allegation of kidnapping and rape. It is submitted that the victim has refused to join the medical examination so as to ascertain *prima facie* that whether any penetrative sexual assault as alleged was committed upon her or not. It is further submitted by learned counsel that the cognizance in this matter was taken on 29.07.2025 only and there is all probability that the trial may not conclude within preferable prescribed time period of one year in view of Section 35(2) of the POCSO Act.

6. Learned APP opposed the prayer for grant of bail to the petitioner. None appeared on behalf of the informant despite of service of notice.

7. In view of aforesaid factual submissions and by



taking note of fact as petitioner remains in custody since 16.08.2024 suggesting *prima facie* that trial is not likely to conclude within preferred time period of one year from the date of cognizance as not even a single witness could examined till date, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge POCSO, Patna/concerned court in connection with Ram Krishna Nagar P.S. Case No.298 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.)

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