

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18061 of 2025

Arising Out of PS. Case No.-502 Year-2024 Thana- SUPAUL District- Supaul

Md. Aslam, Son of Md. Kasim, Resident of Village- Chainsighpatti, Ward No.- 5, PS- Supaul, Distt.- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Arvind Sah S/O Hajari Sah, Resident of Village- Chain Sigh Patti, Ward No.- 5, PS- Supaul, Distt.- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Harun Quareshi, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 07-08-2025 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 POCSO Case No. 115 of 2024, (arising out of Supaul P.S. Case No. 502/2024) registered for the offence under Sections 126, 115(2), 96, 308(2), 352, 3(5) of BNS.

3. The accused/petitioner is named in the F.I.R. and is in custody since 30.07.2024.

4. The allegation against the petitioner is to kidnap the minor daughter of the informant, aged about 14 years for the purpose of illicit intercourse/marriage.

5. Learned Counsel appearing on behalf of the petitioner



submitted that after recovery, victim completely negate the allegation of rape/penetrative sexual assault and kidnapping, while recording her statement under Section 183 of BNSS. It is submitted that as per statement, the victim left her home as per her own sweet will, for the reason that she was tortured by her parents as she was in talking terms with petitioner. While concluding the argument, it is submitted that the investigation of this case is already completed, for which a charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. Learned counsel further submitted that petitioner remains in custody for more than one year and despite the same not even a single prosecution witness including victim was examined, which appears defeating the legal provisions as available under Sections 35(1) and 35(2) of the POCSO Act.

6. Learned APP opposed the prayer of bail.

7. Despite of service, none appeared on behalf of the informant.

8. Considering the aforesaid facts and circumstances and by taking note of the fact as victim after recovery, completely negate the allegation of rape/penetrative sexual assault and kidnapping against petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner remains in custody



since 30.07.2024 accordingly, petitioner above named, is directed to be released on bail in connection with POCSO Case No. 115 of 2024, (arising out of Supaul P.S. Case No. 502/2024), 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 District Judge -VI, Supaul/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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