

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13070 of 2025

Arising Out of PS. Case No.-387 Year-2024 Thana- PARSABAZAR District- Patna

Kanhaiya Giri Son of Umesh Giri Resident of Village - Rahimpur, P.O. and
P.S. - Parsa Bazar, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neelam Devi Wife of Chintu Giri Resident of Village - Rahimpur, P.S. -
Parsa Bazar, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Singh, Adv.
For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 25-06-2025 Heard learned counsel for the petitioner and learned

APP for the State. In spite of valid service of notice upon the

O.P. No.2, no one has turned up on her behalf. Perused the case

diary.

2. The petitioner seeks bail in connection with Parsa
Bazar P.S. Case No. 387 of 2024 instituted for the offences
under Sections 65 of the Bhartiya Nyaya Sanhita and Section
6/7 of the POCSO Act.

3. As per prosecution case, the accusation against the
petitioner is of sexually assaulting the minor daughter of the
Informant aged below 12 years.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner has not committed any offence as alleged in the F.I.R. The petitioner is the own uncle of the victim girl and has neither committed any offence as alleged in the F.I.R. nor has threatened the Informant. He further submits that there is delay of six days in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. The medical report does not support the prosecution case as no spermatozoa was found. The petitioner has no criminal antecedent and is languishing in judicial custody since 10.08.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. He further submits that there is specific allegation of sexual assault against the petitioner. The victim girl is minor. The statement of the victim girl recorded under Sections 181 and 183 of the B.N.S.S., 2023 corroborates the allegation made in the F.I.R. The Investigating Officer, after completion of the investigation, has found the case true and has filed charge-sheet against the petitioner under Sections 65(2), 351(3) of the B.N.S.,



2023 and Section 4, 6 of the POCSO Act. Cognizance has also been taken under the same sections. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence as also taking into account the statements of the victim girl recorded under Sections 181 and 183 of the B.N.S.S., 2023, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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