

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15186 of 2025

Arising Out of PS. Case No.-259 Year-2024 Thana- SURYAGARHA District- Lakhisarai

Sajan Kumar S/O Late Jai Prakash Singh @ Sukar Singh Resident of village-
Alinagar, P.S- Surajgaraha, District- Lakhisarai. Petitioner/s
Versus

- 1. The State of Bihar.
- 2. Nutan Kumari Singh (Fictional Name) W/O Ranjan Singh (Fictional Name), R/o Village- Alinagar, P.S. Surajgarha, District- Lakhisarai.
... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate
Mr.Shivam, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 20-08-2025 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

Surajgaraha P.S. Case No. 259 of 2024, registered for the

offence under Sections 126(2), 115(2), 64, 352, 351(2) of

BNS and Sections 4 and 6 of POCSO Act.

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

is in custody since 05.09.2024.

4. The allegation against the petitioner is to commit

rape/penetrative sexual assault upon minor daughter of the

informant aged about 15 years, while she visited the house of

the petitioner to collect milk.



5. Mr. P.N. Shahi, learned senior counsel appearing on behalf of the petitioner submitted that the petitioner implicated falsely with present case out of local disputes and differences. It is submitted that it is highly unbelievable that despite of committing rape before seven days of present occurrence, victim continuously visiting the house of the petitioner to collect milk. It is also pointed out by Mr. Shahi that the victim examined within 24 hours of the last occurrence as alleged but no injury was noticed either external or internal upon the victim in support of allegation as raised against the petitioner. While concluding the argument, it is pointed out that petitioner remains in custody for about one year, as he is in custody since 05.09.2024 and till date only two witnesses were examined and, therefore, trial is not likely to conclude within preferred time line of one year in terms of Section 35(2) of the POCSO Act. It is also submitted that the petitioner is 47 years old person and he is suffering from Paralysis of upper limb.

6. Heard learned APP

7. Mr. Mukund Kumar, learned counsel appearing



for the informant, while opposing the prayer of bail submitted that the allegation is specific against petitioner, who repeatedly committed rape on several occasions upon minor daughter of the informant.

8. Taking note of overall nature of accusation and considering the fact that petitioner remains in custody for about one year i.e. since 05.09.2024 and, as such, trial of this case is not likely to conclude within preferred time line of one year in terms of Section 35(2) of the POCSO Act, accordingly, petitioner above named, is directed to be released on bail in connection with Surajgaraha P.S. Case No. 259 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 Session Judge-VI cum Special Judge, POCSO, Lakhisarai/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS, with further condition that:-

(ii) Accused/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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