

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16035 of 2025**

Arising Out of PS. Case No.-427 Year-2024 Thana- PANCHRUKHI District- Siwan

Upendra Kumar Manjhi S/o- Paras Manjhi Resident of Village -  
Mishrabatrahan, P.S. - Phulwariya, District - Gopalganj

... .. Petitioner

Versus

1. The State of Bihar
2. Aamin Alam S/o- Rafik Miyan Village- Vaishakhi Papaur Ps- Sarai Dist-  
Siwan

... .. Opposite Party

**Appearance :**

|                        |   |                                  |
|------------------------|---|----------------------------------|
| For the Petitioner     | : | Mr.Bijay Prakash Singh, Advocate |
| For the Opposite Party | : | Mr.Binod Kumar, APP              |
|                        |   | Mrs.Shyama Rani, Advocate        |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

5      07-08-2025                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned A.P.P. for the State duly assisted by  
  
Mrs. Shyama Rani, learned counsel for the informant.

2. The accused/petitioner seeks bail in connection  
  
with P.T. No. 6040 of 2024 arising out of Pachrukhi P.S. Case  
  
No. 427 of 2024 registered for the offences under Sections  
  
137(2), 65(1) of the Bhartiya Nyay Sanhita, 2023 (in short  
  
the “B.N.S.”) and section 4, 6, 8 & 12 of the POCSO Act.

3. The accused/petitioner is not named in the First  
  
Information Report and is in custody since 10.01.2025.

4. Allegation against the petitioner is to kidnap  
  
minor sister of the informant and thereafter to commit



rape/penetrative sexual assault upon her.

5. It is submitted by learned counsel appearing on behalf of the petitioner that the victim, who is minor sister of the informant, was in love affairs with the petitioner and as their love affairs was not approved by the parents of the victim being of different religion, the present false case was registered against the petitioner.

6. It is submitted that even the statement of victim recorded under section 183 of the B.N.S.S. suggests that marriage was solemnized and she was acquainted the petitioner prior to the occurrence. It is further submitted that upon request of victim, the petitioner dropped her at Gorakhpur Railway Station, and, therefore, it can be gathered safely that petitioner was not involved in kidnapping of minor sister of the informant.

7. It is submitted that after marriage at Delhi, petitioner visited with victim at different places of the country like Ambala, Karnataka, Delhi, Gorakhpur etc. and out of consent, petitioner established physical relation with the victim as husband.



8. While concluding argument, it is submitted that investigation of this case is already completed and as such, there is no chance of tampering with the evidence. It is further pointed out that the evidence of victim was not recorded within a period of 30 days of taking cognizance of the offence in view of section 35(1) of the POCSO Act, and, therefore, conclusion of trial of the present case in view of section 35(2) of the POCSO Act, within prescribed time period of one year, also not appears possible, and on this score alone, petitioner deserves bail, who is a man of clean antecedent.

9. Learned A.P.P. for the State duly assisted by Mrs. Shyama Rani, learned counsel for the informant, while opposing the prayer for bail of the petitioner, submitted that allegation *qua* kidnapping and sexual assault is specific against the petitioner.

10. In view of aforesaid factual submission as mentioned above and *prima facie* taking note of the statement of victim as recorded under section 183 of the B.N.S.S. *prima facie* suggesting love affairs between the



parties, coupled with the fact that petitioner remains in custody since 10.01.2025, where trial of this case is not likely to be conclude within the specified time period as available under section 35(2) of the POCSO Act, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Court of POCSO, Siwan/concerned court, in connection with P.T. No. 6040 of 2024 arising out of Pachrukhi P.S. Case No. 427 of 2024, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

**(Chandra Shekhar Jha, J)**

Rajeev/-

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