

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19249 of 2025

Arising Out of PS. Case No.-594 Year-2024 Thana- LAKHISARAI District- Lakhisarai

Manish Kumar Son of Sudhir Ram Resident of Village - Naya Tola Purani
Bazar, Garbhu Asthan, Ward No. 12, P.S. and District – Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Raja Ram Yadav Son of Ram Khelawan Yadav Resident of Village - Naya
Tola Purani Bazar, Garbhu Asthan, Ward No. 12, P.S. and District –
Lakhisarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Advocate

For the Opposite Party/s : Ms.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 12-08-2025 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 Lakhisarai

P.S. Case No. 594/2024, registered for the offence under Sections

96/352/3(5) of Bhartiya Nyay Sanhita, 2023 and Section 6 of the

POCSO Act.

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

in custody since 04.01.2025.

4. The allegation against petitioner is to kidnap the

minor daughter of the informant, aged about 15 years for the

purpose of illicit intercourse/marriage.

5. Learned Counsel appearing on behalf of the petitioner

submitted that the victim after recovery recorded her statement



under Section 183 of the BNSS, where she categorically stated that she went her own sweet will alongwith petitioner and solemnized their marriage in Kali Temple at Howrah, West Bengal. It is submitted that there is no statement in support of the fact that even consensual relations established between the parties and, therefore, submission of charge-sheet for penetrative sexual assault appears bad in eye of law. While concluding argument, it is submitted that petitioner remains in custody since 30.10.2024, despite the same not even victim could examined before the trial court in view of Section 35(1) of the POCSO Act and, therefore, trial is also not likely to conclude within preferred time period of one year from the date of cognizance. Petitioner claimed clean antecedent.

6. Learned APP while opposing the prayer of bail submitted that the specific allegation of kidnapping is available against this petitioner.

7. Considering the aforesaid factual submissions and by taking note of fact as victim *prima facie* completely negate the allegation of sexual assault and kidnapping against petitioner, coupled with fact that victim could not examined within prescribed time period of one month from the date of cognizance by the learned trial court and as such, there is all likelihood that trial of



this case would not complete within preferred time limit as prescribed under Section 35(2) of the POCSO Act, accordingly, petitioner above named, is directed to be released on bail in connection with Lakhisarai P.S. Case No. 594/2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Addl. Sessions Judge-VI-cum-Special Judge POCSO Act, Lakhisarai/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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