

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18013 of 2025

Arising Out of PS. Case No.-95 Year-2024 Thana- Ghogha District- Bhagalpur

Vikram Kumar S/O Yuvraj Mandal @ Judo Mandal R/O village- Mirjapur,
Police station- Ghogha, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sushil Mandal S/O Late Uchit Mandal R/O village- Mirjapur, Police station- Ghogha, District- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baijnath Sah

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 07-08-2025 Heard the parties.

2. The petitioner seeks bail in connection with
Ghogha P.S. Case No. 95 of 2024 registered for the offence
under Section 87 of BNS and Section 8 of POCSO Act.

3. The petitioner is named in the F.I.R. and is in
custody since 04.08.2024.

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

5. Learned counsel appearing on behalf of the
petitioner submitted that upon radiological examination,



victim was found to be more than 18 years of age, therefore lodging of this case under provisions of POCSO *prima-facie* appears questionable. It is submitted that being a major, victim out of her own sweet will went along with petitioner and thereafter she solemnized marriage with the petitioner. It is submitted that after the recovery of the victim, she completely negated the allegation of sexual assault and kidnapping against petitioner. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. It is further submitted that despite the custody of petitioner for more than one year, even victim could not be examined in view of Section 35(1) of the POCSO Act and also trial is not likely to be concluded within prescribed time period as per provisions under Section 35(2) of POCSO Act.

6. Learned APP opposes the prayer of bail.

7. None appeared on behalf of informant despite of service of notice.

8. In view of aforesaid factual submissions and by



taking note of fact as victim after recovery completely negate the allegation of rape/ penetrative sexual assault against petitioner, coupled with the fact that not even a single prosecution witness was examined during trial *prima-facie* defeating the legal provisions of Section 35(1) and 35(2) of POCSO Act, where petitioner remains in custody since 04.08.2024, accordingly petitioner above named, is directed to be released on bail in connection with Ghogha P.S. Case No. 95 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 Exclusive Special court of POCSO cum District and Addl. Sessions Judge VII, Bhagalpur /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)

Sudha/-

U		T	
---	--	---	--

