

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19033 of 2025

Arising Out of PS. Case No.-82 Year-2024 Thana- Vasudevpur District- Munger

Md. Mahfuj @ Md. Mahfuj Aalam S/o Md. Samid R/o Village- Churamba,
PS- Basudeopur, Distt- Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shama Praveen W/o Md. Shabir Aalam R/o vill - Churamba, P.S.-
Basudeopur, Distt.- Munger

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar Choudhary, Adv

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-08-2025 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
Basudeopur P.S. Case No. 82 of 2024 registered for the offences
under Sections 04 of the POCSO Act.

3. The petitioner is named in the F.I.R. and is in custody
since 12.10.2024.

4. The allegation against the petitioner is to commit
penetrative sexual assault upon minor son of informant aged about
13 years.

5. Learned counsel appearing on behalf of the petitioner
submitted that petitioner is aged about 66 years old, with whom



victim and his mother were engaged as laborers and as certain dispute regarding their wages surfaced, therefore, upon instigation of co-villagers present false implication was raised against petitioner. It is submitted that despite of the fact as petitioner remains in custody for about one year, not even victim of the alleged crime in question was examined by learned Trial Court in view of Section 35(1) of the POCSO Act, therefore conclusion of the trial within preferred time line of one year in view of Section 35(2) of the POCSO Act is a remote aspect. While concluding the argument it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.

6. It is submitted that medical report of the victim, who examined within 24 hours of the occurrence also suggests that no injury was found in and around anus of the victim, prima-facie falsifying the allegation as raised against petitioner.

7. Learned APP appearing on behalf of the State, while opposing the prayer for bail submitted that allegation of sexual assault is specific against petitioner.

8. In view of aforesaid factual submission and by taking note of fact as prima-facie medical examination not appears



corroborating with the allegation, where victim was examined within 24 hours of the occurrence and victim could not examined by learned Trial Court till now defying the provisions of Section 35(1) of the POCSO Act prima-facie suggesting that trial of this case not likely to conclude within prescribed time in view of Section 35(2) of the POCSO Act, coupled with the fact as petitioner is aged about 66 years, man of clean antecedent and remains in custody since 12.10.2024, accordingly above named petitioner, is directed to be released on bail in connection with Basudeopur P.S. Case No. 82 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 (POCSO Act) cum Additional Sessions Judge-VI, Munger/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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