

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19368 of 2025

Arising Out of PS. Case No.-11 Year-2025 Thana- KASMA District- Aurangabad

Prince Kumar @ Prince Kumar Singh Son of Anuj Kumar Singh Village-
Arthua ps -Kasma(kashma) District -Aurangabad

... .. Petitioner

Versus

1. The State of Bihar
2. Aparna Kumari Daughter of Nilkamal Singh Village- Arthua ps -Kasma
District -Aurangabad

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Krishna, Pd. Singh, Sr. Advocate Mr.Bhaskar Shankar, Advocate
For the State	:	Mr.Harendra Prasad, APP
For the Informant	:	Mr.Mr. Sanjeev Kumar, Advocate Mr.Raushan Raj, Advocate Mr.Sitesh Kashyap, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 08-09-2025 Heard Mr. Krishna Prasad Singh, learned senior

counsel appearing on behalf of the petitioner, Mr. Sanjeev

Kumar, learned counsel for the informant and learned

A.P.P. for the State.

2. The accused/petitioner seeks bail in connection
with Kasma P.S. Case No. 11 of 2025 registered for the
offences under Sections 140(3), 65(2), 351(2), 351(3) of
the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.')
and Section 4 of the POCSO Act.

3. The accused/petitioner is named in the First



Information Report and is in custody since 28.01.2025.

4. Allegation against the petitioner is to commit penetrative sexual assault/rape upon the victim/informant aged about 12 years.

5. It is submitted by Mr. Krishna Prasad Singh, learned senior counsel appearing on behalf of the petitioner that parents of informant while testifying before the court, did not support the occurrence, as alleged. It is pointed out that without receiving final FSL report the charge-sheet was submitted.

6. Mr. Singh further submitted that after the arrest of the petitioner, he was not medically examined in terms of section 52 of the B.N.S.S.

7. It is also pointed out that the victim could not be examined within specified timeline as preferred in terms of the provision under section 35(1) of the POCSO Act and, therefore, tutoring of victim could not be ruled out. Petitioner claimed to be a man of clean antecedent.

8. Learned A.P.P. for the State is present.

9. Mr. Sanjeev Kumar, learned counsel appearing



for the informant/victim, while opposing the prayer for bail of the petitioner, submitted that victim herself informed to the police *qua* occurrence and she specifically alleged that this petitioner has committed penetrative sexual assault/rape upon her after dragging her inside cement godown of petitioner and also confined her thereof unlawfully for long seven hours.

10. It is submitted that as per medical report of the victim, the hymen was found **fresh ruptured and also blood mixed discharge was present**, which support the allegation. It is also pointed out that in terms of the allegation, a bite mark was also present on the neck of the petitioner which appears in corroboration with the allegation as raised through FIR itself.

11. In view of aforesaid factual submission and also by taking note of the fact as medical report of the victim appears in corroboration of allegation as raised through FIR, prayer of bail of the petitioner stands rejected.

12. However, considering the custody period, petitioner be at liberty to renew his prayer of bail if the



learned trial court failed to conclude the trial within preferred timeline of one year in terms of section 35(2) of the POCSO Act, if so advised.

(Chandra Shekhar Jha, J)

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