

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19589 of 2025

Arising Out of PS. Case No.-548 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

Sonu Kumar S/O Bajrangi Rai Resident of Village- Santpur, P.S- Muffasil
Motihari, District- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. Jiyalal Rai S/O Ramvrit Rai R/O Village- Santpur, P.S- (Motihari) Muffasil,
Distt.- East Champaran.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Abhishek Kumar, Advocate
For the Informant	:	Mr.Kundan Rathore, Advocate
For the State	:	Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 27-08-2025 Heard learned counsel appearing on behalf of the

petitioner, learned A.P.P. for the State and learned counsel

for the informant.

2. The accused/petitioner seeks bail in connection

with Muffasil P.S. Case No. 548 of 2024 registered for the

offences under Sections 65(1), 351(1) 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 13.11.2024.

4. Allegation against the petitioner is to commit



penetrative sexual assault upon the minor daughter of the informant.

5. It is submitted by learned counsel appearing on behalf of the petitioner that from perusal of the FIR and also the statement of the victim as recorded under section 183 of the B.N.S.S., it can be gathered safely that victim was in love with the petitioner and as their relationship was not approved by the parents of the victim, the present false implication was raised.

6. It is submitted that upon medical examination, nothing incriminating recovered/surfaced, which may suggest that penetrative sexual assault was committed upon the daughter of the informant, despite of the fact that victim was examined medically within 24 hours of the alleged occurrence.

7. It is further submitted that charge in this matter was framed on 18.06.2025, and much prior to that cognizance was taken in this matter and despite of that the victim was not examined by the learned trial court within one month of the date of cognizance in view of section 35(1) of



the POCSO Act, and, therefore, conclusion of trial within preferred timeline of one year in view of section 35(2) of the POCSO Act appears a remote aspect.

8. In this context, it is submitted that upon radiological examination, victim was found between the age group of 18 – 19 years and on this score, lodging of the present case also appears questionable.

9. 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, and, moreover, petitioner is a man of clean antecedent.

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

11. Mr. Kundan Rathore, learned counsel appearing on behalf of the informant could not disputed the fact that petitioner and the victim was in love affairs, but while opposing the prayer, it is submitted that allegation *qua* committing sexual assault is available against the petitioner.

12. In view of aforesaid factual submission and by taking note of the fact as the entire allegation is raised in the background of love affairs as it appears *prima facie* from FIR



and statement of victim as recorded under section 183 of the B.N.S.S., where victim was not examined within one month from the date of taking cognizance in view of section 35(1) of the POCSO Act, and, therefore, conclusion of trial is a remote aspect in terms of section 35(2) of the POCSO Act, coupled with the fact that petitioner is in custody since 13.11.2024, 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 6th Additional Sessions Judge-cum-Ex. Special Judge, POCSO Act, East Champaran, Motihari, in connection with Muffasil P.S. Case No. 548 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)

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