

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22642 of 2025

Arising Out of PS. Case No.-196 Year-2024 Thana- BELHAR District- Banka

Rakesh Rajak @ Sanser Rajak @ Rakesh Kumar @ Rakesh @ Sanjay Rajak
S/o Titu Rajak Resident of village - Chhagarchara, tola- Baghouniya, P.S.-
Belhar, Distt.- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rina Devi W/o Manish Rajak R/o vill - Chhagarchara, Tola- Baghouniya,
P.S.- Belhar, Distt.- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Balram Kapri, Adv
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 20-08-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. Upon perusal of record, it appears that notice was

served to husband of O.P. No. 2. Accordingly same deemed to be

served validly upon informant.

3. The petitioner seeks bail in connection with Belhar

P.S. Case No. 196 of 2024 registered for the offences under

Sections 341, 323, 354(B), 504, 506 and 34 of the Indian Penal

Code & Section 8 of the POCSO Act.

4. The petitioner is named in the F.I.R. and is in custody

since 13.02.2025.

5. The allegation against the petitioner is to commit



sexual assault (non-penetrative) and also to outrage the modesty of differently-abled minor daughter of the informant aged about 12 years.

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner is own uncle of the victim and due to dispute regarding common wall and hand pump set, present false implication was raised. It is submitted that upon implication petitioner surrendered on his own on 13.02.2025. It is also pointed that FIR in issue was lodged with a delay of three days i.e., on 13.06.2024, whereas occurrence took place on 10.06.2024. While concluding the argument it is submitted that despite remaining in custody for more than 6 months even victim could not examined in view of Section 35(1) of the POCSO Act and therefore trial of this case is not likely to conclude within one year in view of Section 35(2) of the POCSO Act. It is also pointed out that upon medical examination no external/internal injury was noticed upon victim.

7. Learned APP appearing on behalf of the State, opposes the prayer for bail.

8. Despite service of notice, none appeared on behalf of informant to join the present court proceedings.

9. In view of aforesaid factual submission and by taking



note of fact as petitioner remains in custody since 13.02.2025 for the allegation of non-penetrative sexual assault, where victim could not examined by learned Trial Court within one month in terms of Section 35(1) of the POCSO Act suggesting further that trial of this case is not likely to conclude within preferred time limit of one year in view of Section 35(2) of the POCSO Act, accordingly above named petitioner, is directed to be released on bail in connection with Belhar P.S. Case No. 196 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 Additional District and Sessions Judge-6th-cum Special Judge POCSO, Banka/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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