

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29233 of 2025

Arising Out of PS. Case No.-65 Year-2016 Thana- PHULWARISHARIF District- Patna

Raj Kumar Mahto @ Andhar Pani S/O Gorakh Mahto R/O Village-
Mohanchak, Sorampur, P.S- Janipur, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neha Kumari aged about 16 yrs. D/o Santosh Prasad Resident of Nijampur
PS Janipur Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Roshan Kumar, Adv.
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, APP
For the Informant	:	Mr. Saroj Kr. Sharma, Adv.
		Mr. Anupam Bahadur, Adv.
		Mr. Vikash Kumar, Adv.
		Mr. Sunny Kumar, Adv.
		Mr. Piyush Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 30-08-2025 Heard the parties.

2. The petitioner seeks bail in connection with

Phulwarisharif P.S. Case No. 65 of 2016 registered for the offence

under Sections 376 and 511 of the I.P.C.

3. The petitioner is not named in the F.I.R. and is in

custody since 10.11.2024.

4. As per FIR, one unknown person made an attempt to

commit rape upon informant/ victim aged about 16 years, alleged

occurrence took place on 01.02.2016, while informant was in field.

5. Learned counsel appearing on behalf of the petitioner



submitted that due to certain local issues, petitioner assaulted informant and to take revenge, the present false implication was raised qua sexual assault and attempt to commit rape. It is submitted that petitioner was of same locality but the victim failed to identify him intentionally and he was said to identify only through photograph. It is submitted that no proper TIP was conducted in this case.

6. Arguing further, learned counsel pointed out that despite of custody of petitioner for more than 9 months, even victim could not examined in view of Section 35(1) of POCSO Act and, therefore, conclusion of trial within preferred timeline of one year, in view of Section 35(2) of POCSO Act also appears a remote aspect. While concluding the argument, it is submitted that petitioner found involved in one more criminal case where he is on bail and moreover, investigation of this case is completed, as such, there is no chance of tampering with the evidence.

7. Learned APP duly assisted by Mr. Anupam Bahadur learned counsel for the informant while opposing the prayer of bail could not disputed aforesaid factual submission, however, it is submitted that specific allegation is against petitioner, who was identified by photograph.

8. In view of aforesaid factual submissions and by



taking note of fact as *prima-facie* identification of accused petitioner appears doubtful in want of proper TIP, coupled with fact that victim could not examined within one month from the date of cognizance in view of Section 35(1) of POCSO Act, which further suggests that the trial of this case is not likely to be concluded within preferred timeline of one year, in view of Section 35(2) of POCSO Act, accordingly petitioner above named, is directed to be released on bail in connection with Phulwarisharif P.S. Case No. 65 of 2016 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge VI cum Spl. Judge POCSO, Patna /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	
---	--	---	--

