

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22877 of 2025

Arising Out of PS. Case No.-856 Year-2024 Thana- SITAMARHI District- Sitamarhi

Munna Kumar @ Munnu Kumar, S/o Kaushal Mahto R/o Mohalla- Court
Bazar, Ward No.07, P.S.- Sitamarhi, Dist- Sitamarhi. Petitioner/s
Versus

1. The State of Bihar.
2. Santosh Kumar S/o Late Satya Narayan Prasad R/o Court Bazar Ward No.
07, P.S.- Sitamarhi, Dist- Sitamarhi.
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 06-08-2025 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 Sitamarhi
P.S. Case No. 856 of 2024, registered for the offence under
Sections 64/62 of BNS, 2023 and Section 7/8 of POCSO Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 10.12.2024.

4. It is informed by learned APP that the informant was
informed through concerned SHO regarding the present pending
proceedings, despite the same none appears on behalf of the
informant.

5. The allegation, as per FIR against the petitioner is to
commit sexual assault (non penetrative) upon the minor daughter



of the informant, aged about 13 years on 07.12.2024 at about 10:00 PM, while she was in her home.

6. Learned Counsel appearing on behalf of the petitioner submitted that both parties are neighbours and admittedly, the petitioner was in drunken condition, whereafter he was assaulted by the informant and to save himself, the present false case was lodged against the petitioner. It is pointed out that the investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence and, moreover, petitioner is a man of clean antecedent. It is also pointed out that the trial is not likely to conclude within the specified time period as available under Section 35(2) of the POCSO Act.

7. Learned APP while opposing the prayer of bail submitted that a specific allegation *qua* sexual assault is available against the petitioner.

8. Considering the aforesaid facts and circumstances and by taking note of the fact as *prima facie* alleged occurrence appears to be taken place out of neighbourhood disputes and differences, where the petitioner remains in custody since 10.12.2024, accordingly, the petitioner above named, is directed to be released on bail in connection with Sitamarhi P.S. Case No.



856 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 District and Additional Sessions Judge -IV cum Exclusive Special Judge (RAPE & POCSO), Sitamarhi/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)

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