

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25861 of 2025

Arising Out of PS. Case No.-189 Year-2024 Thana- AIRPORT District- Patna

Ram Baran Kumar S/O Sonu Pandit Resident Of Ward No 04, Village Sania,
Ps- Ariyari, Dist.- Sheikhpura- 811105

... .. Petitioner

Versus

1. The State Of Bihar Patna
2. Dharmendra Das S/O Late Sugheshwar Ram R/O Gupta Market, Near Raja Bazar Pillar Number- 53, P.S.- Hawaii Adda, Patna

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Madhukar Mohan, Advocate
For the Opposite Party/s :	Mr.Harendra Prasad, APP
	Mr.Rakesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 31-07-2025 Heard learned counsel appearing on behalf of the

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

2. Petitioner seeks bail in connection with Hawaii Adda P.S. Case No. 189 of 2024 bearing Special (POCSO) Case No. 64/2025 registered for the offences under Sections 96 & 3(5), 65(1), 351(2) of Bhartiya Nyay Sanhita, 2023 and section 4 of the POCSO Act.

3. The petitioner is named in the First Information Report and is in custody since 22.12.2024.

4. Allegation against the petitioner is to kidnap the minor daughter of the informant aged about 14 years along with other named co-accused persons and committed



penetrative sexual assault/rape upon her.

5. It is submitted by learned counsel appearing on behalf of the petitioner that as per FIR and statement of the victim, as recorded under section 183 of the B.N.S.S., the thrust of allegation is available against co-accused Ankit Kumar and, this petitioner, being friend provided only his rented house at Mumbai to the victim and co-accused Ankit Kumar and only for the said reason he was implicated with the present case.

6. It is submitted that still prosecution witnesses are to be examined, and, therefore, it can be safely said that trial would not complete within the time frame as prescribed under section 35(2) of the POCSO Act. It is submitted that petitioner is a man of clean antecedent.

7. Learned A.P.P. for the State duly assisted by Mr. Rakesh Kumar, learned counsel for the informant, while opposing the prayer for bail of the petitioner, submitted that almost all prosecution witnesses have been examined before the learned trial court except the doctor and Investigating Officer of the case.



8. It is pointed out that on last two occasions, due to condolence, evidence has not been recorded. It is submitted that there is all probabilities that within few months the trial may be concluded within the meaning of section 35(2) of the POCSO Act. It is submitted that during trial the victim categorically stated that this petitioner has committed penetrative sexual assault/rape upon her at Mumbai along with co-accused Ankit Kumar, and moreover, upon radiological examination also, the victim was found between the age group of 14 to 17 years.

9. In view of aforesaid factual submissions and by taking note of the fact as the trial of this case is at its fag end, where only Doctor and the Investigating Officer of this case remained to be examined, accordingly, the prayer of bail of the petitioner stands rejected, for the present.

10. Considering the fact as the the petitioner is in custody since 22.12.2024, learned trial court is directed to concluded the trial within the prescribed time period as available under section 35(2) of the POCSO Act.

11. Senior Superintendent of Police, Patna is



directed to ensure the examination of doctor and I.O. of this case within two months of this order.

12. Let a copy of this order be sent to Senior Superintendent of Police, Patna for its compliance, as directed above.

13. If the trial of this case is not concluded within the next six (6) months, petitioner may press the fresh prayer of bail, if so advised.

(Chandra Shekhar Jha, J)

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