

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25208 of 2025

Arising Out of PS. Case No.-24 Year-2024 Thana- Cyber P.S. District- Kaimur (Bhabua)

Sandeep Kumar Yadav @ Pradeep Yadav S/o Dinesh Yadav R/o vill - Goi,
P.S.- Chand, Distt.- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sachchidand Singh S/o Bhola Nath Singh R/o vill and P.O.-Goi, P.S.-
Chand, Distt.- Kaimur at Bhabua.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Tribhuwan Narayan, Advocate
For the Opposite Party/s	:	Mr.Narsingh Tanti, APP
For the Informant	:	Mr. Manohar Pd. Singh, Advocate
		Mr. Neeraj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

8 13-08-2025 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 Bhabua

Cyber P.S. Case No. 24/2024, registered for the offence under

Sections 336, 351(2), 352 of Bhartiya Nyay Sanhita, and 12 of

the POCSO Act and Sections 66(C), 66(D) of I.T. Act.

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

is in custody since 31.01.2025.

4. The allegation against petitioner is to sexually harass

the minor daughter of the informant aged about 14 years by using

social media like Instagram.



5. Learned Counsel appearing on behalf of the petitioner submitted that the mobile number which was used to create alleged user ID to harass the minor daughter of the informant was not in the name of the petitioner and, therefore, in want of same petitioner cannot be connect *prima facie* with present occurrence. It is further submitted that petitioner remains in custody for more than six months, despite the same, the victim could not examine before the learned trial court. It is pointed out that the cognizance in this matter was taken on 21.03.2025 and, thereafter, passing of five months, the victim was not even examined which is in clear violation of Section 35(1) of the POCSO Act. It is pointed out that the progress of trial suggest *prima facie* that same would not conclude within prescribed time period as available under Section 35(2) of the POCSO Act. It is submitted that from perusal of FIR, it cannot be gathered that the act of the petitioner was with sexual intent. While concluding the argument, it is submitted that the petitioner is a man of clean antecedent and moreover, 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.

6. Learned APP duly assisted by learned counsel Mr. Neeraj Kumar, appearing on behalf of the informant while



opposing the prayer of bail submitted that the petitioner regularly threatening the minor daughter of the informant and if he will be granted bail, he may disturb the routine movement of the victim, which may adversely affect her schooling and education.

7. Considering the aforesaid factual submissions and by taking note of fact as the mobile number through which the user ID was creating *prima facie* appears doubtful being not registered in the name of the petitioner, coupled with the fact that even victim could not examine by the learned trial court within prescribed time period in terms of Section 35(1) of the POCSO Act, where petitioner is a man of clean antecedent, accordingly, petitioner above named, is directed to be released on bail in connection with Bhabua Cyber P.S. Case No. 24/2024, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO Act cum A.D.J.-VI, Kaimur at Bhabua/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS, with further conditions that:-

“(i) Petitioner shall not indulge in similar activities, disturbing the minor daughter of the informant after release on bail



in any manner, failing which the informant/State shall be at liberty to press for cancellation of bail bond of the petitioner before the learned trial court itself, which be decided, after giving fair opportunity of hearing to the petitioner.”

(Chandra Shekhar Jha, J)

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