

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24744 of 2025

Arising Out of PS. Case No.-11 Year-2025 Thana- DHAUDAD District- Rohtas

Kamlesh Singh S/o Nathuni Singh R/o Village- Dhaudadh, PS- Dhaudadh,
Dist- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. X S/o Karu Bhuiya Village- X , PS- Rafiganj , Dist Aurangabad At present
Village Dhaudadh , PS Dhaudadh , Dist Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Adv

For the Opposite Party/s : Mr. Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 15-09-2025 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 Dhaudadh
P.S. Case No. 11 of 2025 registered for the offences under
Section 65(2) of the Bharatiya Nyaya Sanhita, Section 4/6 of the
POCSO Act and Section 3(i)(r)(w)(i)(ii) SC/ST Act.

3. The petitioner is named in the F.I.R. and is in custody
since 04.02.2025.

4. The allegation against the petitioner is to commit
penetrative sexual assault/rape upon minor daughter of the
informant aged about nine years .

5. Learned counsel appearing on behalf of the petitioner
submitted that out of petty neighborhood disputes and differences,
petitioner implicated with the present case. It is submitted that as
per FIR informant projected himself as an eye-witness of the
occurrence, whereas as per statement of victim as recorded under
Section 183 of the BNSS it transpires that she came to her home



and narrated entire occurrence to her elder sister. It is pointed out that the allegation of “bleeding from private part” was not supported by the informant being eye-witness, whereas same appears to be explained by victim herself, while recording her statement under Section 183 of the BNSS as just to aggravate allegation, whereas no such alleged bleeding was noticed upon medical examination also. It is also submitted that injuries on the cheeks of victim was also not found in terms of statement of victim. It is submitted that in view of such medical descriptions and further contradictions in FIR *qua* statement of victim as recorded under Section 183 of the BNSS, occurrence itself appears questionable on its face.

6. While concluding the argument it is submitted that, petitioner remains in custody for about 8 months, it is also submitted that progress of trial suggest that same is not likely to conclude within the preferred time period of one year as available under Section 35(2) of the POCSO Act. It is also submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.

6. Learned Spl.PP appearing on behalf of the State, while opposing the prayer for bail submitted that allegation is



specific against this petitioner as to commit sexual assault upon minor daughter of the informant. It is also submitted that information to informant regarding present pending proceeding already communicated in terms of order dated 31.07.2025.

7. Despite information as submitted aforesaid by Spl.PP informant failed to join the present proceeding before this Court.

8. In view of aforesaid factual submission and by taking note of contradictions as discussed aforesaid *qua* occurrence, coupled with the fact as petitioner remains in custody since 04.02.2025, accordingly above named petitioner, is directed to be released on bail in connection with Dhaudadh P.S. Case No. 11 of 2025 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-VI, Exclusive Special Court POCSO Rohtas at Sasaran/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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