

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25797 of 2025

Arising Out of PS. Case No.-21 Year-2025 Thana- BHAIROGANJ District- West Champaran

Rajvanshi Paswan S/o Rajesh Paswan Resident of Vill- Sirisiya, P.S.-
Bhairoganj, Dist- West Champaran

... .. Petitioner

Versus

1. The State of Bihar
2. Girija Devi W/o Indal Gond R/o vill - Sirisiya, P.s.- Bhairoganj, Distt.- West Champaran

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 18-09-2025 Heard learned counsel appearing on behalf of the

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

2. The accused/petitioner seeks bail in connection
with Bhairoganj P.S. Case No. 21 of 2025 registered for the
offences under Sections 65(2) of the Bhartiya Nyay Sanhita,
2023 (in short, the 'B.N.S.') and 4/6 of the POCSO Act.

3. The accused/petitioner is named in the First
Information Report and is in custody since 04.03.2025.

4. As per FIR, it is alleged that petitioner committed
penetrative sexual assault/rape upon the minor daughter of
the informant, who is aged about 6 years old at the time of
occurrence.



5. It is submitted by Mr. Sanjeev Kumar, learned counsel appearing for the petitioner that out of village politics, petitioner was implicated falsely in the present case. It is pointed out that the victim, who is six years old child, accidentally received injury on her private part with certain wooden material but taking advantage of the incident, petitioner was implicated falsely with present case.

6. It is submitted that the victim also stated that she received injury from certain wooden like material. While concluding argument, it is submitted that investigation of this case is already completed, charge-sheet has been submitted, and as such, there is no chance of tampering with evidence and, moreover, despite custody of petitioner for about six and half months, even victim could not be examined by learned trial court in view of section 35(1) of the POCSO Act. Petitioner claimed to be a man of clean antecedent.

7. Learned A.P.P. for the State, while opposing the prayer of bail of the petitioner, submitted that as per statement of victim recorded under section 183 of the B.N.S.S., it transpires that this petitioner inserted some



wooden material in private part of victim causing huge bleeding. It is submitted that even the medical report supported occurrence as injury like **“vulval edema & erythema”** found present in private part alongwith **“brownish discharge of vagina”**.

8. In view of aforesaid factual submission and by taking note of statement of victim recorded under section 183 of the B.N.S.S. making specific allegation against this petitioner *qua* penetrative sexual assault, coupled with the fact that medical report of victim also appears *prima facie* corroborating, accordingly, prayer of bail of petitioner stands rejected herewith for the present.

9. Considering the custody period of the petitioner as he is in custody since 04.03.2025, learned trial court is directed to conclude the trial within preferred timeline of one year as available under section 35(2) of the POCSO Act.

(Chandra Shekhar Jha, J)

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