

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27341 of 2025

Arising Out of PS. Case No.-15 Year-2025 Thana- SRINAGAR District- West Champaran

Dhananjay Kumar S/o Late Kanchan Sah R/o Village- Bagahi Baghambarpur,
Ward No. 3, P.S.- Srinagar, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. X (Imaginary Name of informant/Mother of the victim), W/o Yogendra Mahato R/o Village- Bagahi Baghambarpur, P.S.- Srinagar, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey, Advocate
For the OP No.2	:	Ms.Kumari Akansha Rai, Advocate
For the Opposite Party/s	:	Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

- 3 06-08-2025 Heard Mr. Bimlesh Kumar Pandey, learned counsel appearing on behalf of the petitioner; Ms. Kumari Akansha Rai, learned counsel for the Opposite Party No.2 and Mr. Ajit Kumar, learned APP for the State.

2. At the very outset, this Court directs to open the seal cover of the envelope in the open Court.

3. The petitioner seeks regular bail in connection with Srinagar P.S. Case No. 15/2025 for the offences punishable



under Sections 64 of BNS and Sections 4 and 6 of POCSO Act in which the charge-sheet has been submitted under Section 65(1) of BNS and Sections 4 and 6 of POCSO Act.

4. As per the allegation made in the FIR, with an intention to commit rape, the petitioner physically assaulted the victim girl and tried to do sexual wrong with her, who is aged about 13 years.

5. Mr. Bimlesh Kumar Pandey, learned counsel appearing on behalf of the petitioner submitted that the petitioner is aged about 20 years and there is land dispute between the father of the victim and the petitioner's family and when the family members of the petitioner refused to execute the sale-deed of the homestead land, the matter turned into enmity between them resulting into lodging of the present false and concocted case against the petitioner, who has just emerged as a adult.

6. Learned counsel further submitted that the petitioner has one criminal antecedent (bearing Srinagar Pujaha P.S.Case No.70 of 2019), in which he has also been made accused under Section 354 of the IPC but he is on bail in that case. The said case had been lodged against the petitioner and his family members by some other persons.



7. Learned counsel submitted that there is no eye witness of the incidence, which had taken place on 21.01.2025 whereas the statement of the victim was recorded on 23.01.2025. The victim is only 13 years old and there is every likelihood that the family members of the victim have tutored her to make the statement as has been recorded by the learned Special court. On these grounds, the learned counsel seeks that the petitioner be released on regular bail.

8. *Per contra* Ms. Kumari Akansha Rai, learned counsel has tendered her appearance on behalf of O.P.no.2 (Informant), who is the mother of the victim. Learned counsel has submitted that the informant has supported the allegation made in the FIR and the statement of the victim recorded under Section 183 of BNSS. The claim of the petitioner that the victim might have been tutored has no meaning, once the statement of the victim revealed that the petitioner has tried to sexually assault her, who is aged about 13 years. It is also the case of the informant that there is previous enmity between the parties. The petitioner in a planned manner entered into the house of the informant and committed wrong with the victim in the manner as alleged in the FIR. On these grounds, the learned counsel submitted that the petitioner, who has already emerged as an



adult, can not be said to be innocent and it has not been claimed by the petitioner that he was in relationship with the victim girl. In the last, the learned counsel has vehemently opposed the prayer of the petitioner to grant regular bail.

9. Mr. Ajit Kumar, learned APP for the State has also supported the arguments made by the learned counsel appearing on behalf of the informant.

10. Having considered the rival submissions made on behalf of the parties, this Court finds that as per the provisions of Section 35 of the POCSO Act, the trial is preferably required to be concluded within a period of one year from the date of taking cognizance of the offence.

11. I do not find that there is any force in the argument forwarded on behalf of the learned counsel appearing on behalf of the petitioner that there is land dispute between the parties, which lead to the false implication of the petitioner. However, I find that the petitioner is aged about 20 years and it is expected that the petitioner will correct his conduct in future, as well as, there are two days' delay in recording the statement of the victim girl and also the petitioner is in custody for more than six months, in such circumstances, I direct the learned trial court to adhere with the provisions of Section 35 of the POCSO



Act and conclude the trial within time as prescribed under Section 35 of the POCSO Act and in case, the trial is not concluded within time as prescribed under Section 35 of the POCSO Act, the petitioner is directed to be released on regular bail on such terms and conditions as imposed by the learned trial court in connection with Srinagar P.S.Case No.15 of 2025, pending before the court of the learned Special Judge POCSO cum ADJ 6th, Bettiah, West Champaran.

12. With the above observation/direction, the present bail application stands disposed of.

(Purnendu Singh, J)

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