

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29629 of 2025

Arising Out of PS. Case No.-450 Year-2022 Thana- CHANDI District- Nalanda

Ranjeet Kumar S/O late Giradhari Mahto R/O Vill.- Uggan Bigha, P.S.- Hilsa,
Dist.- Nalanda. Petitioner/s

Versus

1. The State of Bihar.
2. Sudhir Prasad S/O Late Ramjee Mahto R/O Vill.- Akair, P.S.- Chandi, Dist.-
Nalanda. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar, Advocate
For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 11-11-2025 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

Chandi P.S. Case No. 450/2022, registered for the offence

under Sections 363, 376, 120(B)/34 of the Indian Penal Code

and Section 4/6 of POCSO Act.

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

and is in custody since 21.12.2024.

4. The allegation against the petitioner is to commit

rape upon the minor daughter of the informant aged about 15

years.

5. Learned counsel appearing on behalf of the



petitioner submitted that the informant and the petitioner are relatives to each other and out of acquaintance they went together up to Delhi. It is submitted that no occurrence has alleged was taken place and same can be gathered from the statement of victim recorded under Section 161 of Cr.P.C. and in support of this submission, learned counsel drawn attention of this Court towards paragraph no. 22 of the original case diary. It is submitted that on very next day of recording statement under Section 161 of Cr.P.C., the statement of victim was recorded under Section 164 of Cr.P.C., where she under influence and tutoring of her parents stated that this petitioner committed rape upon her after taking her to Delhi.

6. Arguing further, it is submitted that co-accused Pankaj Kumar was already acquitted by the learned trial court and the trial of this petitioner was separated alongwith co-accused Pintu Kumar and Shanti Devi, where cognizance was taken on 21.02.2025 and charge was framed on 26.03.2025. It is pointed out that even after taking cognizance long back i.e. on 21.02.2025, examination of victim was not done by



learned trial court within time line as available under Section 35(1) of the POCSO Act and till date not even a single prosecution witness were examined by learned trial court and, therefore, conclusion of trial within preferred time line of one year in view of Section 35(2) of POCSO Act appears remote aspects.

7. Learned APP while opposing the prayer of bail submitted that victim stated specifically against this petitioner while recording her statement under Section 164 of Cr.P.C. as to commit rape upon her but he could not deny the submission *qua* her statement recorded under Section 161 of Cr.P.C.

8. Considering the aforesaid factual submissions and by taking note of fact as victim improved her version while recording her statement under Section 164 of Cr.P.C. over her statement recorded under Section 161 of Cr.P.C., where she nothing alleged against this petitioner, coupled with the fact that cognizance in this matter was taken long back on 21.02.2025 till then victim of this case was not even examined by the learned trial court in view Section 35(1) of the POCSO Act and, therefore, conclusion of trial is not likely



to conclude within preferred time line as available under Section 35(2) of the POCSO Act, accordingly, petitioner above named, who is in custody since 21.12.2024 is directed to be released on bail in connection with Chandi P.S. Case No. 450/2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge Cum Special Judge, Bihar Sharif (Nalanda)/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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