

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30351 of 2025

Arising Out of PS. Case No.-246 Year-2024 Thana- KALYANPUR District- Samastipur

Md. Raja Son of Md. Hasim Resident of Village- Janta Chowk Fulwaria, P.S.-
Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi W/O Arun Das R/O Village- Malipur, Ward no. 1, PS. -
Kalyanpur, Dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bijay Bhushan Prasad, Adv. Mr. Rani Shashi Bharti, Adv.
For the Opposite Party/s	:	Mr. Ashok Kumar Singh, APP
For the Informant	:	Mr. Shekhar Harshvardhanm Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 30-08-2025 Heard the parties.

2. The petitioner seeks bail in connection with Kalyanpur P.S. Case No. 246 of 2024 registered for the offence under Sections 96, 3(5) of BNS and section 4 and 12 of POCSO Act and Section 3(1)(r)(s) of the SC/ST (POA) Act.

3. The petitioner is named in the F.I.R. and is in custody since 19.09.2024.

4. As per FIR, the minor daughter of the informant was kidnapped by accused petitioner alongwith



one named co-accused Rakesh Ray. The victim is the member of Schedule caste community and when the occurrence was reported to one Ramchandra Ray father of the co-accused Rakesh Ray, the informant was abused by her caste name and was also pushed to the ground.

5. Learned counsel appearing on behalf of the petitioner submitted that the daughter of the informant was in love affairs with co-accused Rakesh Ray and out of said affairs she solemnized her marriage with Rakesh Ray and are live happily as wife and husband. It is submitted that this fact also deposed by informant during the trial. It is submitted by learned counsel that this petitioner implicated with present case only for the reason that he is the friend of named co-accused Rakesh Ray against whom the thrust of allegation is available. It is submitted that now the matter appears compromised between the main co-accused and informant and, therefore, keeping petitioner behind bar will not serve any purpose of justice, who is in custody since 19.09.2024. It is also pointed out



by learned counsel that trial of this case is not likely to be concluded within preferred timeline of one year, in view of Section 35(2) of the POCSO Act, where even victim could not examined till date, also defying the provisions of Section 35(1) of POCSO Act. Petitioner claimed clean antecedent.

6. Learned APP duly assisted by Mr. Shekhar Harshvardhan, learned counsel for the informant while opposing the prayer of bail approved the factum of compromise between the parties as submitted aforesaid. It is also submitted that the main allegation is available against co-accused Rakesh Ray.

7. In view of aforesaid factual submission and by taking note of fact as *prima-facie* matter appears compromised, where thrust of allegation is available against co-accused Rakesh Ray, couple with the fact that petitioner remains in custody since 19.09.2024 about one year being man of clean antecedent suggesting *prima-facie* that trial is not likely to conclude within preferred



timeline of one year in view of Section 35(2) of POCSO Act, accordingly petitioner above named, is directed to be released on bail in connection with Kalyanpur P.S. Case No. 246 of 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 Addl. Sessions Judge VI cum Special Court (POCSO) Act, Samastipur /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

Sudha/-

(Chandra Shekhar Jha, J)

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