

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30259 of 2025

Arising Out of PS. Case No.-52 Year-2024 Thana- GHOSWARI District- Patna

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Babloo Kumar @ Bablu Kumar Yadav S/o Umesh Yadav R/o Village- Bhatu
Bigha, P.S.- Belaganj, Distt.- Gaya. Petitioner/s

Versus

1. The State of Bihar.
2. Lalan Mahto Son of Mudrika Mahto, Resident of Gram old Isua, Post- Isua,
P.S.- Surmera, Distt.- Nalanda. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Dular Sah, Advocate

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 25-09-2025 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
Special Case No. 63/2025 arising out of Ghoshwari P.S.
Case No. 52/2024, registered for the offence under
Sections 363, 365, 504, 506 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 05.05.2024.

4. As per FIR, the petitioner kidnapped the
minor daughter of the informant aged about 17 years,
whereafter he committed penetrative sexual
assault/rape upon her.

5. Learned Counsel appearing on behalf of the
petitioner submitted that the daughter of the informant



was in love affairs with the petitioner out of which she went alongwith him to Rajasthan, where she lived together for one and half months in view of her statement recorded under Section 161 of Cr.P.C. It is submitted that after recovery, under the influence of parents and their tutoring as the love affairs of victim was not approved with this petitioner by her parents, the false allegation of rape/penetrative sexual assault was raised against petitioner while recording the statement of victim under Section 164 of Cr.P.C. It is submitted that even the medical examination of victim, nowhere suggest any incriminating materials as no injury found over her body, including perineal parts. While concluding argument, it is submitted that despite of custody of the petitioner for about one year and four months, even victim could not examined by the learned trial court within the meaning of Section 35(1) of the POCSO Act and, therefore, the preferred time line of one year as to conclude the trial from the date of cognizance as prescribed under Section 35(2) of the POCSO Act also appears crossed and still there is no likelihood that the trial of this case may conclude in near future. Petitioner claimed clean antecedent.

6. Learned APP while opposing the prayer of



bail could not disputed the aforesaid factual and legal submission as advanced by learned counsel for the petitioner.

7. Considering the aforesaid factual submissions and by taking note of fact as victim contradicted her own statement as she recorded different incriminating version through her statement under Section 164 of Cr.P.C. over her statement earlier recorded under Section 161 of the Cr.P.C., coupled with the fact that despite of custody of about one year and four months, even not a single prosecution witness examined in this case suggesting *prima facie* that the trial of this case is not likely to conclude in near future, accordingly, petitioner above named, is directed to be released on bail in connection with Special Case No. 63/2025 arising out of Ghoshwari P.S. Case No. 52/2024 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 Judge POCSO, Patna/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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