

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31537 of 2025

Arising Out of PS. Case No.-9 Year-2024 Thana- RAJEPUR District- East Champaran

Pintu Yadav @ Pintu Rai S/O Upendra Rai Resident of Village- Semarahan,
P.S- Rajepur, Distt.- East Champaran.

... .. Petitioner

Versus

- 1. The State of Bihar
- 2. Indu Devi W/O Naresh Sahani Resident of Village- Semarahan, P.S-
Rajepur, Distt.- East Champaran.

... .. Opposite Party

Appearance :
For the Petitioner/s : Mr.Kundan Rathore @ Kundan Kumar, Advocate
For the Opposite Party/s : Mr.Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 09-09-2025 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 Rajepur P.S. Case No. 09 of 2024 registered for the

offences under Sections 363, 366(A), 34 of the Indian Penal

Code and 8 of the POCSO Act.

3. The accused/petitioner is named in the First

Information Report and is in custody since 12.03.2024.

4. As per FIR, minor daughter of the informant aged

about 14 years was kidnapped by the petitioner and other co-

accused persons for the purpose of illicit



intercourse/marriage.

5. It is submitted by learned counsel appearing on behalf of the petitioner that the victim, while recording her statement under section 164 of the Cr.P.C., stated that she went with this petitioner on her own and thereafter solemnized marriage with petitioner out of her own sweet-will. It is submitted that the statement of the victim completely negate the allegation of any sexual assault and kidnapping.

6. It is also pointed out that despite of petitioner remaining in custody for about one and half year, the trial of this case is still pending and same is not likely to conclude in near future by completely defying the provisions of section 35(2) of the POCSO Act. It is also pointed out that even the victim could not examined before the learned trial court and same is also in defiance of legal provision as available under section 35(1) of the POCSO Act.

7. While concluding argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is already completed and as such, there is no chance of tampering with the evidence.



8. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

9. Despite service of notice, the informant failed to join the present proceeding.

10. Considering the facts and circumstances as mentioned above and by taking note of the fact as *prima facie* the victim negate the allegation of kidnapping and sexual assault through her statement recorded under section 164 Cr.P.C., where even victim could not be examined within timeline as available under section 35(1) of the POCSO Act before the trial court and also the timeline preferred to conclude the trial as available under section 35(2) of the POCSO Act already crossed, coupled with the fact that petitioner is a man of clean antecedent, who remains in custody since 12.03.2024, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (Rape & POCSO cases) District & Additional Sessions Judge, Motihari, East Champaran/concerned court, in connection with Rajepur



P.S. Case No. 09 of 2024, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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