

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29932 of 2025

Arising Out of PS. Case No.-6 Year-2025 Thana- KATEYA District- Gopalganj

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Laxman Mandal @ Laxman Kumar @ Laxaman Mandal @ Laxaman Kumar
Son of Lavatan Ravat @ Lotan Mandal Resident of Village - Kubarhi, P.S. -
Kateya, District - Gopalganj

... .. Petitioner/s

Versus

1. The State of
2. Chhathu Mandal son of Late Raghubar Mandal Resident of Village -
Kubarhi, P.S. - Kateya, District - Gopalganj
3. Rubi Devi wife of Dilip Musahar Resident of Village - Suharna Harkarpur,
Ps- Paterhawa, Dist- Kushi Nagar UP

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pritish Ranjan

For the Opposite Party/s : Mr.Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 04-12-2025 Heard the parties.

2. The petitioner seeks bail in connection with

Kateya P.S. Case No. 06 of 2025 registered for the offence

under Sections 96, 65(1), 351(2) of BNS and Section 4 of

POCSO Act.

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

custody since 06.01.2025.

4. The allegation against the petitioner is to commit

penetrative sexual assault upon minor daughter of the

informant aged about 15 years.

5. Learned counsel appearing on behalf of the



petitioner submitted that victim daughter of the informant accompanied petitioner for Mumbai, out of her own sweet will and also as per consent of her family members in search of work, but in meantime certain disputes surfaced between them and thereafter, she was brought by petitioner to her parents, whereafter, the present false allegation was raised. It is submitted that petitioner is already a married person having no occasion to elope the minor daughter of petitioner for the purpose of marriage. It is submitted that upon medical examinations nothing incriminating surfaced as to suggest that any sexual assault as alleged was committed upon minor daughter of informant for such long two months.

6. Arguing further, it is submitted that petitioner is in custody for about eleven months but not even single prosecution witness was examined by learned trial court and therefore, the petitioner cannot be kept behind the bar in want of trial particularly in view of speedy provisions of trial as available under Section 35(2) of the POCSO Act. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this



case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that the allegation is specifically available against this petitioner as to commit sexual assault upon minor daughter of the informant.

8. Despite of valid service of notice, none appeared on behalf of informant/ OP. No. 2.

9. A report was also called for from the learned Spl. Court, POCSO, Gopalganj regarding stage of trial which was made available to this Court through letter no. 330 dated 26.09.2025, which speaks that the cognizance in this matter was taken on 07.03.2025 and charge was framed on 16.05.2025, whereafter this matter is pending for examination of prosecution witnesses. The report suggests that till now not a single prosecution witness was examined in this case.

10. In view of aforesaid factual submission and by



taking note of fact as not a single prosecution witness could examined by learned trial court despite of custody of petitioner for about 11 months, accordingly petitioner above named, is directed to be released on bail in connection with Kateya P.S. Case No. 06 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned VIth Addl. Sessions judge cum Spl. Judge, POCSO, Gopalganj /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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