

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34772 of 2025

Arising Out of PS. Case No.-174 Year-2024 Thana- PARWALPUR District- Nalanda

Bankey Bihari @ Banke Bihari Tanti, S/o Late Bola Tanti @ Bhola Tanti, R/o
Village-Lalganj, P.S-Ben, Distt.- Nalanda.

... .. Petitioner

Versus

1. The State of Bihar
2. Anita Devi, W/o Deepak Chauhan, R/o Village-Sita Bigha Beldaripar, P.S-
Parwalpur, Dist.- Nalanda.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. S.K. Lal, Senior Advocate Mr. Rudal Singh, Advocate
For the Opposite Party/s :		Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 25-11-2025 Heard learned senior counsel for the
petitioner and learned Additional Public Prosecutor
for the State.

2.The accused/petitioner seeks bail in
connection with Special (POCSO) Case No.165 of
2024 arising out of Parwalpur P.S. Case No.174 of
2024 registered for the offences punishable under
Sections 64(1), 65(2) of the Bhartiya Nyaya
Sanhita, 2023 (for short 'B.N.S.') as well as
Sections 8 and 12 of the Protection of Children
from Sexual Offences Act (in short 'POCSO Act').

3. The accused/petitioner is named in the



FIR and is in custody since 23.10.2024.

4. As per FIR, the petitioner committed sexual assault (non-penetrative) upon minor daughter of informant aged about eight years on 23.10.2024 at about 3.30 pm while she was returning from her school.

5. Mr. S.K. Lal, learned senior counsel appearing for the petitioner submitted that despite of custody of more than one year, as petitioner remains in custody since 23.10.2024, not even a single prosecution witness including victim was examined in this case, which is in complete defiance of timeline as provisioned under Section 35(1) and also Section 35(2) of the POCSO Act. It is pointed out that the victim has refused to join the medical examination.

6. Learned APP opposed the prayer for grant of bail to the petitioner.

7. Despite of service, none appeared on behalf of the informant to join the present pending proceeding.

8. In view of aforesaid factual submissions



and by taking note of fact, as despite custody of more than one year, not even victim could be examined by the learned trial court, which is in complete defiance of legal provision as provisioned under Section 35(1) of the POCSO Act, despite custody of petitioner since 23.10.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Additional District and Sessions Judge-cum-Special Judge, POCSO, Nalanda, Bihar Sharif in connection with Special (POCSO) Case No.165 of 2024 arising out of Parwalpur P.S. Case No.174 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS').

(Chandra Shekhar Jha, J.)

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