

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33622 of 2025

Arising Out of PS. Case No.-546 Year-2024 Thana- DHANARUA District- Patna

Subodh Ram S/o Late Suman Ram R/o Village- Kaili, P.S.- Dhanarua,
District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari W/o Kaushal Kumar R/o Village- Kaili, P.S.- Dhanarua,
District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyamal Prakash, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 14-07-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Special
POCSO Case No. 267 of 2024, arising out of Dhanarua P.S.
Case No. 546 of 2024 instituted for the offence under Sections
64(1), 308(2), 351(3), 123, 61(2) of the Bharatiya Nyaya
Sanhita, 2023 and Sections 3/4 of the POCSO Act.

3. Prosecution case, in short, is that daughter of the
informant was subjected to sexual assault by the petitioner by
making her unconscious after giving an adulterated cup of tea. It
is also alleged that petitioner threatened the victim to make her
obscene photographs viral on the Facebook and demanded Rs.



5,000/-.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 01-10-2024. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is delay of four days in lodging the FIR, which creates serious doubt on the prosecution case. As per medical report, it is opined by the doctor that the act of intercourse cannot be confirmed. It is submitted that police during investigation has not seized the mobile phone of the petitioner to substantiate the allegation of making objectionable photographs viral. There is no independent witness to the occurrence. Police after completion of investigation has submitted charge sheet in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to the statement of the victim recorded under Section 183 of the BNSS, it is submitted that victim herself deposed that she found herself naked when she gained consciousness and some dirty stains were present on the clothes. It is submitted that victim is



minor, hence, petitioner does not deserve the privilege of bail.

7. Considering the aforesaid facts and circumstances of the case, taking into account the statement of the victim recorded under Section 183 of the BNSS coupled with the nature and gravity of the offence, this Court, at this stage, is not inclined to grant bail to the petitioner. Prayer for grant of bail to the petitioner is accordingly *rejected*.

8. The Trial Court is directed to conclude the trial preferably within a period of nine months.

9. However, petitioner will be at liberty to renew his prayer of bail, if the trial is not concluded within a period of nine months.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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