

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34946 of 2025

Arising Out of PS. Case No.-1032 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Md. Nafis @ Md. Nafi S/o Md. Sajim @ Md. Sajeem R/o Vill- Aman Chowk,
Saharsa Basti, Ward No. 38/37, P.S. and Dist- Saharsa

... .. Petitioner

Versus

1. The State of Bihar
2. Roop Nr. Singh S/o Late Ramjanam Singh R/o Vill- Mission Compound,
Ward No. 33, P.S.- Sadar, Dist- Saharsa

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nafisu Zzoha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 08-12-2025 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

Saharsa P.S. Case No. 1032 of 2024 registered for the offences

under Sections 76 of the Bhartiya Nyay Sanhita, 2023 (in short,

the 'B.N.S.') and section 8/12 of the POCSO Act.

3. The accused/petitioner is named in the First

Information Report and is in custody since 16.10.2024.

4. Allegation against the petitioner is to commit non-

penetrative sexual assault upon minor grand-daughter of the

informant while he visited alongwith other associate to the

house of the informant in connection with electric work.

5. It is submitted by learned counsel appearing on



behalf of the petitioner that when certain dispute developed out of electric work, the family members of the victim assaulted the petitioner to the extent that he received fracture and other bodily injuries and under apprehension that he might be implicated with the occurrence of assault, the present false POCSO case was lodged against the petitioner. It is submitted that this is a case of non-penetrative sexual assault. It is also submitted that mother of victim and also the victim refused to join the medical examination.

6. Arguing further, it is submitted that petitioner remains in custody since 16.10.2024 i.e. fourteen months, but even not a single prosecution witness could be examined by the learned trial court suggesting that trial of this case would not conclude in near future.

7. Learned A.P.P. for the State, while opposing the prayer for bail of the petitioner, submitted that allegation is specific against this petitioner.

8. It is submitted by learned A.P.P. that notice regarding present proceeding was served upon the informant through concerned S.H.O. Service report submitted across the board which was taken on record.



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

10. In view of aforesaid factual submission and by taking note of the fact as despite custody of more than one year not even a single prosecution witness was examined by the learned trial court suggesting on its face that trial of this case is not likely to conclude in near future, 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 Special POCSO Court, Saharsa/concerned court, in connection with Saharsa P.S. Case No. 1032 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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