

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35126 of 2025

Arising Out of PS. Case No.-120 Year-2025 Thana- NAUBATPUR District- Patna

Vikash Kumar Son of Ramanand Paswan Resident of Village - Hasanpura,
P.S.- Masaudhi, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Daughter of X Resident of X

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shakti Suman Kumar, Adv.
For the Opposite Party/s	:	Mr. Rajendra Nath Jha, Adv.
For the Informant	:	Mr. Arvind Kr. Srivastava, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 30-10-2025 Heard the parties.

2. The petitioner seeks bail in connection with Naubatpur P.S. Case No. 120 of 2025 registered for the offence under Sections 126(2), 76, 331(4) of BNS and Section 4 and 8 of POCSO Act.

3. The petitioner is named in the F.I.R. and is in custody since 22.02.2025.

4. The allegation against the petitioner is to commit sexual assault upon informant/ victim after criminal trespass to her house on 21.02.2025 at about 1:10 AM. The allegation to make an attempt committing penetrative sexual assault was also raised against this petitioner.

5. Notice was issued to informant/ victim of this case



and upon service of said notice, Mr. Arvind Kr. Srivastava learned counsel appears for O.P. No. 2/ victim.

6. Learned counsel appearing on behalf of the petitioner submitted that from statement of informant/ victim recorded under Section 183 of the BNSS, it can be gathered safely that under certain confusion, petitioner was implicated with present case by informant/ victim. It is submitted that even from the allegation the occurrence is of non-penetrative sexual assault and with this allegation petitioner remain in custody for about 9 months. It is submitted that in last 9 months not even victim was examined before learned trial court which appears in violation of timeline as provisioned under Section 35(1) of POCSO Act suggesting *prima-facie* that trial of this case would not likely to conclude within preferred timeline of one year as available under Section 35(2) of POCSO Act, and therefore, considering these grounds also, the petitioner deserves bail, who is a man of clean antecedent.

7. Learned APP duly assisted by Mr. Arvind Kr. Srivastava learned counsel for the informant while opposing the prayer of bail submitted that specific allegation is available against this petitioner where the statement as recorded under



Section 183 of BNSS of the victim/ informant appears to be recorded under coercion/ pressure of the petitioner, however, it is conceded that it is a case of non-penetrative sexual assault and not even victim could examined before learned trial court.

8. Considering the aforesaid factual submission and taking note of statement of victim disputing identification of petitioner through her statement recorded under Section 183 of BNSS, coupled with the fact that victim even could not examined by learned trial court within preferred timeline of section 35(1) of POCSO Act, where petitioner remains in custody since 22.02.2025, accordingly petitioner above named, is directed to be released on bail in connection with Naubatpur P.S. Case No. 120 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 Special Judge (POCSO) Patna / concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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