

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40337 of 2025

Arising Out of PS. Case No.-114 Year-2025 Thana- SUGAULI District- East Champaran

Ishwar Kumar @ Ishwar Sah S/O Hargun Sah Resident of Village- Sugao @
Sugau, Ward No. 12, P.S- Sugauli, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shobha Devi W/O Sunderdeo Sah R/O Village- Sugao @ Sugau, Ward No. 12, P.S- Sugauli, Dist.- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pravin Kumar, Adv.
For the Opposite Party/s	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Vikash Kr. Pankaj, Adv.
		Mr. Mritunjay Harsh, Adv.
		Mr. Rishav Dev, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 25-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with Sugauli
P.S. Case No. 114 of 2025 registered for the offence under
Section 64(1), 351(3) of BNS and Section 4/6 of POCSO Act.

3. The petitioner is named in the F.I.R. and is in
custody since 28.03.2025.

4. Allegation against the petitioner is to commit rape
upon the minor daughter of informant.

5. Learned counsel appearing on behalf of the
petitioner submitted that factual aspect of this case suggests on
its face that the victim daughter of informant was in relation



with this petitioner and therefore, the physical relationship was consensual but when petitioner was apprehended by parents of the victim in suspicious condition, the present FIR was lodged. It is submitted that upon radiological examination victim found between the age group of 18-19 years and therefore the implication of petitioner with POCSO offences is not appears convincing.

6. Arguing further, it is submitted that despite of the fact that petitioner remains in custody for about 8 months not even victim could examined by the learned trial court which is in complete defiance of Section 35(1) of 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 opposes the prayer of bail.

8. Learned counsel for the informant while opposing the prayer of bail submitted that allegation is specific against this petitioner and as per school certificate victim daughter of informant is minor i.e., less than 18 years.

9. In view of aforesaid factual submission and by



taking note of fact as despite of custody of about 8 months not even victim could examined within provisioned timeline of Section 35(1) of POCSO Act, coupled with fact that investigation of this case already completed where petitioner remains in custody since 28.03.2025, accordingly petitioner above named, is directed to be released on bail in connection with Sugauli P.S. Case No. 114 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 6th District and Addl. Session Judge cum Exclusive Spl. Judge, POCSO Act, East Champaran, Motihari /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)

Sudha/-

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