

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38745 of 2025

Arising Out of PS. Case No.-141 Year-2024 Thana- BIHRA District- Saharsa

Ravi Shankar Paswan @ Ravi Shankar Kumar S/o- Sri Jogindar Paswan
Resident of Rakhiya ward no 2 P.S- Bihara, Dist- Saharsa
... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Bablu Mahto son of Bindeshwari Mahto village Rakiya, p.s. Bihra, Saharsa
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar Sinha No. 1
For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 25-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with Bihra P.S.

Case No. 141 of 2024 registered for the offences under Sections 363, 366-A and 376 of the IPC and Sections 4 and 6 of the POCSO Act r/w Section of the Prohibition of the Child Marriage Act.

3. The petitioner is named in the F.I.R. and is in custody since 13.11.2024.

4. The allegation against the petitioner is to kidnap the minor daughter of informant aged about 17 years for the purposed of illicit intercourse/marriage.

5. Learned counsel appearing on behalf of the petitioner submitted that victim while recording her statement under Section



183 of the BNSS completely negate the allegation of rape/penetrative sexual assault and also of kidnapping against this petitioner, rather she stated that she solemnized her marriage out of her own sweet will in a temple. It is further submitted that petitioner is in custody for more than one year and till now even victim could not be examined though three witnesses were examined by learned Trial Court by defeating the mandate as provisioned under Section 35(1) of the POCSO Act. It is submitted that progress of trial suggests that same is not likely to conclude within provisioned time line of one year as available under Section 35(2) of the POCSO Act. While concluding the argument it is submitted that, petitioner is a man of clean antecedent.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. Service report submitted across the board by learned APP which was taken on record. Despite service none appeared on behalf of informant.

8. In view of aforesaid factual submission and by taking note of fact as victim could not be examined in view of Section 35(1) of the POCSO Act, despite he remains in custody since 13.11.2024 coupled with the fact that progress of trial prima-facie suggest that same is not likely to conclude within provisioned time



line under Section 35(2) of the POCSO Act, accordingly above named petitioner, is directed to be released on bail in connection with Bihra P.S. Case No. 141 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-VI, POCSO, Saharsa/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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