

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37732 of 2025

Arising Out of PS. Case No.-97 Year-2025 Thana- JHAJHA District- Jamui

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1. Suraj Murmu son of Laljeet Murmu Resident of village- Guriyara P.S -Jhajha, Dist- Jamui.
 2. Gurudeo Murmu Son of Babu Lal Murmu Resident of village- Guriyara P.S -Jhajha, Dist- Jamui.
 3. Sakaldeo Murmu Son of Bachandeo Murmu Resident of village- Guriyara P.S -Jhajha, Dist- Jamui.
 4. Mukesh Murmu son of Nunu Lal Murmu Resident of village- Guriyara P.S -Jhajha, Dist- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Punam Kumari D/o Sakaldeo Murmu R/o Village- Guriyara, P.S.- Jhajha, District- Jamui.
3. Sakaldeo Murmu S/O - Not Known, R/V - Guriyara, P.S.- Jhajha, District – Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Suresh Kumar, Advocate
For the Opposite Party/s	:	Mr.Nirmal Kumar Sinha, APP
For the Informant	:	Mr. Amrendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 11-12-2025 Heard learned counsel appearing on behalf of the petitioners, learned APP appearing on behalf of the State and learned counsel appearing on behalf of the informant.

2. The petitioners seek bail in connection with Jhajha P.S. Case No. 97 of 2025 registered for the offence under Sections 70(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.



3. The accused/petitioners are named in the F.I.R. and are in custody since 05.03.2025.

4. The allegation against the petitioners is to commit penetrative sexual assault upon the informant aged about 15 years alongwith two co-accused persons. It is a case of aggravated penetrative sexual assault.

5. Learned counsel appearing on behalf of the petitioners submitted that nothing transpired out of medical examination of victim, which may suggest that the rape/penetrative sexual assault as alleged was committed upon her. It is pointed out that present FIR was lodged with a delay of 18 days, suggesting afterthought implication of petitioners. While concluding argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. Petitioners claimed clean antecedent.

6. Learned APP duly assisted by learned counsel Mr. Amrendra Kumar appearing on behalf of the informant, while opposing the prayer of bail submitted that the victim categorically stated that penetrative sexual assault was committed upon her by



these petitioners while recording her statement under Section 183 of the BNSS. It is pointed out that non-finding of corroborative materials out of medical examination of victim does not lead to conclusion *ipso facto* that penetrative sexual assault as alleged was not committed upon her. It is pointed out that progress of trial is satisfactory and only two witnesses are remaining for examination, who are I.O. and doctor of this case.

7. Regarding stage of trial, a report was called for from the court concerned, which made available to this Court and upon perusal of same, it appears that the victim out of fear left her home and, therefore, she could examine only on 04.12.2025, which was asserted the reason for delayed examination of victim in view of Section 35(1) of the POCSO Act.

8. In view of above, the explanation as submitted by Exclusive Special Judge, POCSO, Jamui as made available to this Court through letter no. 68 dated 05th December, 2025 *qua* delayed examination of victim is hereby accepted.

9. Considering the aforesaid factual submissions and by taking note of fact as the victim specifically stated to commit penetrative sexual



assault by these petitioners while recording her statement under Section 183 of the BNSS, coupled with the fact that progress of trial is also appears satisfactory as only two witnesses are remains to be examined, as discussed aforesaid, accordingly, the prayer of bail of petitioners stand rejected for the present.

10. Considering the fact as petitioners remain in custody since 05.03.2025, the learned trial court is directed to conclude the trial within the provisioned time line as available under Section 35(2) of the POCSO Act, failing which petitioners shall be at liberty to renew their prayer of bail, if so advised.

(Chandra Shekhar Jha, J)

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