

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40512 of 2025

Arising Out of PS. Case No.-15 Year-2025 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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Raushan Singh @ Raushan Kumar S/o- Kush Singh Resident of Village -
Kasher, P.S. - Bhagwanpur, District - Kaimur (Bhabua)

... .. Petitioner/s

Versus

1. The State of Bihar
2. 'X' C/o- Lav Singh Resident of Village - Kasher, P.S. - Bhagwanpur, District
- Kaimur (Bhabua)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pritish Ranjan, Adv.
For the Opposite Party/s	:	Mrs. Gulnar Begum, APP
For the O.P. No.2	:	Mr. Mayank Mohan, Adv.

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 09-09-2025 Learned counsel for the petitioner is directed to

substitute the name of the O.P. No.2 with 'X' in course of the

day.

2. Office to act accordingly.

3. Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the O.P. No.2.

Perused the case diary.

4. The petitioner seeks bail in connection with POCSO

Case No. 45 of 2025 arising out of Bhagwanpur P.S. Case No.

15 of 2025 instituted for the offences under Sections 126(2),

115(2), 303(2), 64, 62, 351(2), 3(5) of the Bhartiya Nyaya



Sanhita, 2023 and Section 8, 12 of the POCSO Act.

5. As per prosecution case, the accusation against the petitioner along with co-accused is of attempting to commit sexual assault upon the informant/victim.

6. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to dirty village politics and ulterior motive. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. Both the parties are close agnate and live under the same courtyard. The petitioner and the victim is grandson and granddaughter of Kalika Singh and there is a land dispute going on between the parents of the victim and the victim. He further submits that there is delay of five days in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 11.01.2025 without any rhymes or reason.

7. Learned counsel for the petitioner further submits that the Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner for offence



under Sections 126(2), 115(2), 303(2), 64, 62, 351(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 8, 12 of the POCSO Act. Learned counsel for the petitioner further submits that the trial is going on and out of total six witnesses, two witnesses have already been examined.

8. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The victim girl is minor. He further submits that the petitioner is named in the F.I.R. and there is direct allegation against the petitioner of attempting to commit sexual assault upon the victim girl. The victim girl in her statement recorded under Section 183 of the B.N.S.S. has stated that Pawan Singh and the petitioner tried to disrobe her. The Investigating Officer, after completion of investigation, finding the case true, has submitted charge-sheet against the petitioner for offence under Sections 126(2), 115(2), 303(2), 64, 62, 351(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 8, 12 of the POCSO Act.

9. Having heard learned counsel for the parties and in the facts and circumstances of the case and keeping in view the nature of allegation, gravity of the offence, materials available



in the case diary the statement of the victim girl recorded under Section 183 of the B.N.S.S. and the fact that the trial is going on and two witnesses out of six have already been examined, this Court is not inclined to grant bail to the petitioner.

10. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of five months from today. If the trial is not concluded within the period of five months as stated above, the petitioner will be at liberty to renew his prayer before the court below.

(Rudra Prakash Mishra, J)

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