

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37743 of 2025

Arising Out of PS. Case No.-27 Year-2025 Thana- PHULWARIA District- Begusarai

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Madan Kumar Singh @ Madan Singh S/O Late Siyaram Singh R/O Village-
Phulwariya 03, Ward no. 01, Bakhtar Asthan, PS-Phulwariya, Distt-Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. [REDACTED] R/O -Phulwariya 036, Ward no. 01, Bakhtar Asthan,
PS-Phulwariya, Distt-Begusarai
3. [REDACTED] Phulwariya 036 Ward No.-01, Bakhtar Asthan P.S.-
Phulwariya, Dist- Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shubhesh Pandey, Advocate
For the State	:	Mr. Dilip Kumar No. 1, APP
For the Informant	:	Mr. Shashank Shekhar, Advocate
		Mr. Mukul Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 03-09-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under section 4 of the
POCSO Act.

3. The case of the prosecution is that the petitioner has
subjected the victim to carnal intercourse. In FIR, it is also
alleged that the petitioner has committed the offence 3-4 times
earlier also.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. Learned counsel for the petitioner has submitted that the occurrence is of 1st March, 2025 and on the same day, medical examination of the victim was conducted. From perusal of the medical examination of the victim which is at para-74 of the case diary, it is clear that the doctor has found no bruise abrasion and tear in and around the anal area. No foreign body, no stain of seminal fluid and blood found over the anal and around it. No tenderness (pain on touch) present in anal region. The doctor has opined that it cannot be said with certainty that unnatural sexual act was performed upon the victim. Learned counsel for the petitioner has also submitted that the medical of the victim falsifies the allegation leveled against the petitioner. Moreover, if he has committed this offence 3-4 times earlier, no information regarding this was given to anyone. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 02.03.2025.

5. Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer of regular bail but learned counsel for the informant has conceded that in medical examination of the victim, no



incriminating material has come.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Phulwariya P.S. Case No. 27 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI cum Exclusive Special Judge, POCSO Act, Begusarai.

(Ashok Kumar Pandey, J)

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