

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38579 of 2025

Arising Out of PS. Case No.-10 Year-2025 Thana- SHASTRINAGAR District- Patna

Harendra Tiwari @ Pappu Kumar Son of Sri Vijay Bahadur Tiwari Resident of Village- Sundarpur Barja, P.S.- Bihiya, District- Bhojpur, but he has been remanded in the present case on the requisition of police as Harendra Tiwari @ Pappu Kumar, Son of Vijay Bahadur Tiwari, resident of Ram Nagri, Vyas Nagar in the house of Ajay Singh, P.S. Shastri Nagar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Archana Kumari Wife of Late Rajesh Prasad Resident of Village- Jagai, P.S.- Ekangarsarai, District- Nalanda at present Ram Nagri Vyas Nagar in the house of Ajay Singh, P.S.- Shastrinagar, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Adv
For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 25-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with Shastri Nagar P.S. Case No. 10 of 2025 registered for the offences under Sections 137(2) and 140(3) of the Bharatiya Nyaya Sanhita.

3. The petitioner is named in the F.I.R. and is in custody since 16.02.2025.

4. The allegation against the petitioner is to commit penetrative sexual assault/rape upon minor daughter of informant aged about 15 years.

5. Learned counsel appearing on behalf of the petitioner submitted that factual aspect which can be gathered out of



statement of victim as recorded under Section 183 of the BNSS suggests that both victim and petitioner were known to each other and out of said acquaintance physical relation was established between them. It is also pointed out that allegation of kidnapping is completely available against petitioner. It is also pointed out that medical report is also not suggesting anything incriminating against this petitioner. While concluding the argument it is submitted that progress of trial is very slow as despite custody for about 9 months, even charge could not framed in this matter and, therefore, it is a complete defeat of provision as available under Section 35(2) of the POCSO Act which suggest on its face that this case is not likely to conclude in the near future, petitioner is a man of clean antecedent and moreover, investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.

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

7. It is pointed out by learned APP that notice has been issued by this Court through order dated 01.11.2025, was served upon informant through concerned SHO. Service report submitted across the board which was taken on record. Despite of service none appeared on behalf of informant.



8. In view of aforesaid factual submission and by taking note of fact as even victim could not examined by the learned Trial Court in view of timeline as provisioned under Section 35(1) of the POCSO Act, coupled with the fact as petitioner remains in custody since 16.02.2025 suggesting that trial of this case is not likely to conclude within preferred timeline as available under Section 35(2) of the POCSO Act, accordingly above named petitioner, is directed to be released on bail in connection with Shastri Nagar P.S. Case No. 10 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 Additional Chief Judicial Magistrate- IX, Patna/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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