

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47343 of 2025

Arising Out of PS. Case No.-150 Year-2024 Thana- Kavaiya District- Lakhisarai

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Arun Kumar @ Arun Yadav S/O Late Brahamdeo Yadav Resident of Naya Bazar, Panchna Road, Ward No. 23, P.S.- Kabaiya, District- Lakhisarai

... .. Petitioner/s

Versus

- 1. The State of Bihar
 - 2. Ritu Jaishwal W/O Govind Jaiswal R/at Naya Baja, Pachra Road, Ward no. 23, P.S.- Kabaiya, Dist.- Lakhisarai.
- Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gautam Kejriwal, Adv.
		Mr. Alok Kumar Jha, Adv.
For the Opposite Party/s :		Mr. Ganesh Prasad Singh, APP
For the Informant	:	Mr. Ravi Shankar Pathak, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 08-09-2025 Heard the parties.

2. In view of order dated 06.08.2025 and further the prayer made through I.A. No. 01 of 2025, the present petition considering the reasons was taken on board for hearing on priority basis.

3. The petitioner seeks bail in connection with Kabaiya P.S. Case No. 150 of 2024 registered for the offence under Sections 76 of BNS and Section 8 of POCSO Act.

4. The petitioner is named in the F.I.R. and is in custody since 28.04.2025.

5. The allegation against the petitioner is to sexually assault (non-penetrative) the minor daughter of informant aged



about 8 years while she went to grocery shop of petitioner to purchase rice.

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated in present case for the reason that he raised a demand for monthly bill of Rs. 10,000/- against the grocery supplied to the house of victim. It is submitted that after realizing the mistake the matter was compromised and a joint compromise petition was filed before Special POCSO Court on 27.08.2024, which is **Annexure P-4** of supplementary affidavit. Beside above, it is pointed out by learned counsel for the petitioner that not even victim was examined before learned trial court despite of custody of petitioner for about five months defeating the provisions of Section 35(1) of the POCSO Act , and therefore, the trial of this case is not likely to be conclude within preferred timeline of one year as prescribed under Section 35(2) of POCSO Act. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



7. Learned APP opposed the prayer of bail.

8. Mr. Ravi Shankar Pathak, learned counsel for the informant approved the factum of compromise as submitted aforesaid by learned counsel for the petitioner.

9. In view of aforesaid factual submissions and by taking note of fact as victim of this case could not examined by learned trial court within time period as prescribed in terms of Section 35(1) of the POCSO Act, coupled with fact that petitioner remains in custody since 28.04.2025, accordingly petitioner above named, is directed to be released on bail in connection with Kabaiya P.S. Case No. 150 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 District and Addl. Sessions Judge VI cum Special Judge, POCSO, Lakhisarai /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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