

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52146 of 2024

Arising Out of PS. Case No.-478 Year-2023 Thana- SIKARPUR District- West Champaran

1. Mankeshwar Ram @ Bahira, Son of Jhagru Ram @ Mahabir Ram
 2. Shyambabu Ram, Son of Rajesh Ram
 3. Prakash Ram, Son of Janardan Ram
- All are Resident of village-Rajpur Mathiya, P.S.-Sikarpur, Distt.-West Champaran

... .. Petitioners

Versus

1. The State of Bihar
2. Alka Kumari D/o- Dhamendra Yadav R/o Village + P.S.- Sikarpur, Distt.- West Champaran

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 11-08-2025 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The petitioners seek bail in connection with

Shikarpur P.S. Case No.478 of 2023 registered for the

offences punishable under Sections 147, 148, 447, 341, 323,

504, 506, 379, 354, 354-A, 354-B of the Indian Penal Code

as well as Sections 8 and 12 of the Protection of Children

from Sexual Offences Act (in short 'POCSO Act')

3. The accused/petitioners are named in the FIR



and are in custody since 14.06.2024.

4. Allegation against the petitioners is to assault the informant along with other co-accused persons, who was minor at the date of occurrence in mango orchard for the issue arising out of scuffling.

5. It is submitted by learned counsel appearing for the petitioners that the mango orchard of petitioners, who are members of scheduled caste community is adjacent to the mango orchard of the informant and out of certain issues, some altercation took place whereafter, the petitioners, who are member of the scheduled caste community were implicated falsely for non-penetrative sexual assault. It is submitted that petitioners remain in custody for more than one year and even not a single prosecution witness was examined during the trial defying legal provisions of Sections 35 (1) and 35(2) of the POCSO Act.

6. Learned APP opposed the prayer for grant of bail to the petitioners. Despite of service of notice, none appeared on behalf of the informant.

7. In view of aforesaid factual submissions and by



taking note of fact as victim could not examined within the prescribed time period of one month in view of Section 35(1) of the POCSO Act and also the trial is not likely to conclude within preferred time period of one year from the date of cognizance in view of Section 35(2) of the POCSO Act for said reason even not a single prosecution witness was examined during the trial now, accordingly, all above-named three petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-VII-cum-Special Judge POCSO, West Champaran, Bettiah in connection with Shikarpur P.S. Case No.478 of 2023, subject to the conditions as laid down under Section 437(3) of the CrPC/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

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