

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46083 of 2025

Arising Out of PS. Case No.-121 Year-2025 Thana- SHEOHAR District- Sheohar

Indal Kumar @ Indal Sah S/o Ramdev Sah R/o vill- Sahbajpur Salem, P.S.-
Ahiyapur, Dist- Muzaffarpur

... .. Petitioner

Versus

1. The State of Bihar
2. Kamli Devi W/o Nandlal Sahani R/o vill - Harnahi, P.S.- Sheohar, Distt.-
Sheohar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar II, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 24-11-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with

Sheohar P.S. Case No. 121 of 2025 registered for the offences

under Sections 137(2), 96 of the Bhartiya Nyay Sanhita, 2023

(in short, the 'B.N.S.').

3. The accused/petitioner is named in the First

Information Report and is in custody since 28.04.2025.

4. Allegation against the petitioner is to kidnap the

minor daughter of the informant aged about 14 years for the

purpose of illicit intercourse/rape.

5. It is submitted by learned counsel appearing on

behalf of the petitioner that during course of investigation,



statement of victim under section 183 of the B.N.S.S. was recorded, where she completely negate the allegation of penetrative sexual assault/rape as also kidnapping against the petitioner, rather she stated that she solemnized marriage with this petitioner and living happily together as husband and wife.

6. Arguing further, it is submitted that despite custody of petitioner for about long seven months, even the victim could not examined within the preferred timeline as provisioned under section 35(1) of the POCSO Act, suggesting that trial of this case is not likely to conclude within provisioned timeline under section 35(2) of the POCSO Act.

7. While concluding argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is already concluded, for which charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.

8. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

9. Despite of service, none appeared on behalf of the informant to join the present proceeding.

10. In view of aforesaid factual submission and by



taking note of the fact as allegation of sexual assault and also of kidnapping *prima facie* appears negated against petitioner in terms of statement of victim recorded under section 183 of the B.N.S.S., coupled with the fact that investigation of this case is already completed, where victim also not appears examined in view of timeline as provisioned under section 35(1) of the POCSO Act, accordingly, petitioner, above-named, who is a man of clean antecedent, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, POCSO Act, Sheohar/concerned court, in connection with Sheohar P.S. Case No. 121 of 2025, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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