

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53285 of 2024

Arising Out of PS. Case No.-1182 Year-2022 Thana- AHYAPUR District- Muzaffarpur

DILIP KUMAR VERMA SON OF LATE GANGA PRASHAD R/O- JAIL
ROAD, P.S.- DUMRA, DISTT.- MUZAFFARPUR, BIHAR

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandan Choudhary Principal-In-Charge, Kendriya Vidyalaya, CRPF, Jhapahan, Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate. Mr. Rabish Kumar, Advocate.
For the State	:	Mr. Brajendra Nath Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 09-04-2025 Heard Mr. Yogesh Chandra Verma, learned senior counsel along with Mr. Rabish Kumar, learned counsel appearing on behalf of the petitioner and Mr. Brajendra Nath Pandey, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Ahiyapur P.S. Case No. 1182 of 2022 under Section 354 of the Indian Penal Code and Sections 6 and 8 of the POCSO Act.

3. Without going into the merits of the case and rival submissions made on behalf of the respective parties, I find that the learned District Court has proceeded in gross violation of the procedure laid down in the POCSO Act, as well as, the Juvenile Justice Act.



4. Record reveals that the statement of the victim was not recorded under Section 164 Cr.P.C. at the relevant point of time and the delay on the part of the Special Court, POCSO cannot be appreciated by this Court. It is further unwarranted that the time prescribed under Section 35 of the POCSO Act has also not been taken into account by the Special Court.

5. The order dated 29.04.2024 passed by the learned 6th Additional Sessions Judge cum Spl. Court, POCSO Act (I), Muzaffarpur calls for interference by this Court. Learned District Court is directed to proceed in the manner prescribed under POCSO Act.

6. The petitioner, if so advised, may seek pre-arrest bail before the learned District Court in accordance with law.

7. The bail application stands disposed of.

(Purnendu Singh, J)

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