

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52102 of 2025

Arising Out of PS. Case No.-685 Year-2024 Thana- KADAMKUAN District- Patna

Abhay Kumar S/o- Sri Prahlad Kumar Mahto R/o- East Lohanipur Khadpur,
PS- Kadamkua, District- Patna, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Juli Devi W/o- Govind Kumar R/o- East Lohanipur Khadpur Ps-
Kadamkuan Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Apurv Harsh, Adv. Mr. Many Tripurari, Adv. Mr. Raghu Rai Pratap, Adv. Ms. Jaya Singh, Adv.
For the Opposite Party/s	:	Mr. Pranav Kumar, APP
For the Informant	:	Mr. Alok Kr. Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 18-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with

Kadamkuan P.S. Case No. 685 of 2024 registered for the

offence under Sections 65(2) of the BNS and Section 4 of

POCSO Act.

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

custody since 07.09.2024.

4. The allegation against the petitioner is to commit

penetrative sexual assault upon minor daughter of the

informant aged about 6 years.



5. Learned counsel appearing on behalf of the petitioner submitted that the father of victim is engaged in business of illegal trade of excise and therefore, several criminal cases under Excise Act was lodged against him and as petitioner and his family usually protested the illegal activities of the father of informant for said reason he was implicated with present case. It is submitted that the medical report of victim is not supporting the allegations and moreover victim who examined before learned trial court as PW3 turned hostile and categorically stated that no such occurrence took place.

6. Arguing further, it is submitted that the petitioner is in custody since 07.09.2024, i.e., more than 1 year but still this matter is pending for prosecution witnesses, where out of 6 charge-sheeted witnesses only 3 were examined and therefore, the timeline as preferred under Section 35(2) of POCSO Act already crossed. 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 duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that as per FIR allegation is specifically available against this petitioner who is none but the tutor of the victim,

8. In view of aforesaid factual submission and by taking note of fact as petitioner remains in custody since 07.09.2024, where the timeline as provisioned under Section 35(2) of POCSO Act already appears crossed suggesting *prima-facie* the trial is not likely to conclude in near future, accordingly petitioner above named, is directed to be released on bail in connection with Kadamkuan P.S. Case No. 685 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 Addl. Sessions Judge VI cum Spl. Judge POCSO, Patna /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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