

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46954 of 2025

Arising Out of PS. Case No.-113 Year-2024 Thana- BHAIROGANJ District- West
Champaran

Dilip Kumar @ Dilip Kumar Ram S/o Late Ramod Ram R/o vill -
Kapardhika, P.S. - Bhairoganj, Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. X S/o Late Nagendra Das R/o vill - Nadda, P.S.- Bhairoganj, Distt.- West
Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP
For the Informant : Mr. Vijay kr. Singh No. 1, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 25-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with
Bhairoganj P.S. Case No. 113 of 2024 registered for the offence
under Section 137(2), 96, 64 of BNS and Section 4/6 of
POCSO Act.

3. The petitioner is not named in the F.I.R. and is in
custody since 11.03.2025.

4. As per FIR, the minor daughter of informant aged
about 17 years alleged to missing from the house of the
informant. The informant is the father of the victim.

5. Learned counsel appearing on behalf of the



petitioner submitted that during course of investigation the statement of victim was recorded in which she stated that this petitioner established physical relationship with her on two occasions on pretext of providing job in Orchestra. It is submitted that victim was examined immediately but no incriminating material found upon her suggesting that she was subjected to rape. It is also submitted that the charges in this case has already framed by learned trial court but despite of same having custody of more than 8 months not even a single prosecution witness including victim was examined by the learned trial court which appears defeating the provision of law under Section 35(1) of POCSO Act. Aforesaid delay is also suggesting that trial of this case is not likely to conclude in near future. 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.

6. Learned APP opposes the prayer of bail.

7. Learned counsel for the informant while opposing the prayer of bail submitted that victim categorically stated



against petitioner to commit rape upon her on two different occasions on false pretext of providing job in orchestra.

8. In view of aforesaid factual submission and by taking note of fact as despite custody of more than 8 month even victim of this case could not examined by learned trial court, defeating the timeline as provisioned under Section 35(1) of POCSO Act, coupled with fact that investigation of this case already completed where petitioner remains in custody since 11.03.2025, suggesting further very slow progress of trial as same could not conclude within provisioned timeline of Section 35(2) fo POCSO Act, accordingly petitioner above named, is directed to be released on bail in connection with Bhairoganj P.S. Case No. 113 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 7th cum Spl. Judge, POCSO, Bettiah, West Champaran /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

Sudha/-

U		T	
---	--	---	--

