

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45259 of 2025

Arising Out of PS. Case No.-48 Year-2025 Thana- MOHANIYA District- Kaimur (Bhabua)

Upendra Baitha son of Ramashankar Baitha @ Fakar Baitha, R/o Village-
Pakdi Ps- Kochas District -ROHTAS. Petitioner/s

Versus

1. The State of Bihar.
2. Munna Dhobi @ Munna Baitha son of Rambilas Baitha, R/o Village-
Godsra, Ps- Nuaon, Dist- Kaimur (Bhabhua), At P/A- Bharkhar, ps-
Mohania, Dist- Kaimur, Bhabua.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar, Advocate
For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 02-12-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Mohania
P.S. Case No. 48/2025/POCSO Case No. 43/25 registered for the
offence under Sections 303(2), 96, 64(1) of BNS and Section 4 of
POCSO Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 26.03.2025.

4. The allegation against the petitioner is to kidnap the
minor daughter of the informant aged about 14 years and also
alleged to commit penetrative sexual assault upon her.

5. Learned counsel appearing on behalf of the petitioner
submitted that the distance between the house of petitioner with



informant is of about 25 Km and, therefore, the allegation as alleged is not appearing possible until and unless the victim accompanied petitioner out of her own sweet will. While concluding argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. Petitioner claimed clean antecedent.

6. Learned APP opposed the prayer of bail.

7. Mr. Tribhuwan Narayan, learned counsel appearing for the informant, while opposing the prayer of bail submitted that the victim categorically alleged against this petitioner as to commit penetrative sexual assault upon her while recording her statement under Section 183 of BNSS, who is a married man aged about 35 years old. It is further submitted that out of four charge-sheeted witnesses, three have already examined and only remaining witness is the Investigating Officer of this case, who is proposed to examine very shortly by the learned trial court.

8. Considering the aforesaid factual submissions and by taking note of nature of accusation, as available specifically against this petitioner in terms of statement of victim as recorded under Section 183 of BNSS, coupled with the fact that progress of trial is also appears satisfactory, which is almost at its fag end,



accordingly prayer of bail of the petitioner stands rejected herewith
for the present.

9. The learned trial court is directed to conclude the trial preferably within one year, from the date of cognizance as provisioned under Section 35(2) of the POCSO Act.

10. Let a copy of this order be sent to S.P., Kaimur at Bhabhua to ensure the examination of investigating officer of this case, positively within 30 days from the date of receiving of copy of this order.

(Chandra Shekhar Jha, J)

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