

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47085 of 2025**

Arising Out of PS. Case No.-1611 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

Mantosh Kumar S/o Nageshwar Ram R/o Village- Narma, P.S- Rampurhari,
District- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sobodh Kumar @ Subodh Kumar Thakur S/o Ram Sajivan Thakur R/o Vill-
Narma, P.S.- Rampurhari O.P., Distt- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Preety Kunwar, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 12-09-2025 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in connection with
Ahiyapur P.S. Case No. 1611 of 2023, lodged on 30.11.2023,
under Sections 376, 504 & 506 of the Indian Penal Code and
under Sections 4 & 6 of the POCSO Act.

3. Learned counsel for the petitioner submits that the
bail application of the petitioner has earlier been rejected by this



Hon'ble Court *vide* order dated 03.10.2024 passed in Cr. Misc. No. 72267 of 2024 with liberty granted to the petitioner that he may renew his prayer for bail after one year from the date of taking cognizance.

4. Counsel further submits that, under Section 35(2) of the POCSO Act, the trial is required to be concluded within one year from the date of taking cognizance of the offence. He further submits that, in the present case, cognizance was taken on 02.02.2024, but the trial has not been concluded till date. He further submits that, according to him, the examination of all prosecution witnesses has taken place, except for the Investigating Officer and the doctor.

5. Learned counsel for the informant vehemently opposes the prayer for bail and submits that there is a specific allegation of rape, and the provisions of the POCSO Act are attracted in the present case.

6. In response thereto, counsel for the petitioner submits that the medical examination indicates the age of the victim to be 19 years, and therefore, she is not a minor.

7. Learned APP for the State opposes the prayer for bail and submits that, on the previous occasion, a report was called for, and from the said report, it transpires that out of 07



witnesses, 04 have already been examined, one witness has passed away, and only two witnesses, i.e., the doctor and the Investigating Officer, are left to be examined.

8. From the medical report, it transpires to this Court that the age of the victim is 19 years, and more than one year has passed since the date of taking cognizance.

9. In the present facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand only), as mentioned under Section 2(1)(d) of the Bharatiya Nagarik Suraksha Sanhita, 2023, subject to the payment of Rs. 5,000/- (Rupees Five Thousand only) to the “Prime Minister National Relief Fund”, to the satisfaction of the Exclusive Special Judge, POCSO-III (dealing with rape cases and cases under the POCSO Act, 2012), Muzaffarpur, in connection with Ahiyapur P.S. Case No. 1611 of 2023, subject to the following conditions as laid down under Section 480(3) of the BNSS as well as with a condition that the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself.

10. It is hereby directed that the Trial Court shall



verify the payment receipt of Rs. 5,000/- (Rupees Five Thousand only) made to the “Prime Minister National Relief Fund” at the time of furnishing the bail bond.

(Dr. Anshuman, J.)

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