

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48893 of 2025

Arising Out of PS. Case No.-28 Year-2025 Thana- BELA District- Sitamarhi

Satyapal Sah S/o Vishwanath Sah @ Visun Dev Sah R/o Village- Sri Rampur,
P.S. - Bela, Dist. - Sitamarhi

... .. Petitioner

Versus

1. The State of Bihar
2. X D/o Gagan Dev Sah R/o Vill- Sri Rampur Teliyahi, Ward No. 7, P.S.-
Bela, Distt- Sitamarhi

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Piyush Kant Singh, Advocate Mr.Santosh Kumar, Advocate
For the Opposite Party/s	:	Mr.Shyam Kumar Singh, APP
For the Informant	:	Mr.Ashok Kr. Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 14-11-2025 Heard learned counsel appearing on behalf of the

petitioner, learned A.P.P. for the State and learned counsel

for the informant.

2. The accused/petitioner seeks bail in connection

with Bela P.S. Case No. 28 of 2025 registered for the

offences under Sections 64, 115(2), 126(2), 351(2), 352

of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.')

and 4, 6 & 8 of the POCSO Act.

3. The accused/petitioner is named in the First

Information Report and is in custody since 19.02.2025.

4. Allegation against the petitioner is to commit



penetrative sexual assault upon the victim/informant aged about 15 years on the point of knife.

5. It is submitted by learned counsel appearing on behalf of the petitioner that when for any of the social reasons marriage of the informant/victim could not solemnized with the petitioner as per FIR, the present false case was lodged. It is submitted that upon medical examination, no incriminating material appears surfaced which may suggest that penetrative sexual assault/rape was committed upon the informant/victim as alleged. It is also pointed out that in this case cognizance was taken by the learned special court on 26.05.2025, but the victim of this case could not examined within the mandatory timeline of 30 days as provisioned under section 35(1) of the POCSO Act, and on this ground alone, petitioner deserves bail.

6. While concluding argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is already completed, for which charge-sheet has been submitted and as such, there is no



chance of tampering with the evidence.

7. Learned A.P.P. for the State duly assisted by Mr. Ashok Kumar Jha, learned counsel for the informant, while opposing the prayer for bail of the petitioner, submitted that allegation of penetrative sexual assault/rape is specifically available against the petitioner, however, he could not disputed the aforesaid factual submission as advanced by learned counsel for the petitioner.

8. In view of aforesaid factual submission and by taking note of the fact as victim could not examined by the learned trial court within the timeline as provided under section 35(1) of the POCSO Act, despite petitioner is in custody since 19.02.2025, coupled with the fact that investigation of this case is already completed, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-IV-cum-Exclusive Special Judge (Rape and POCSO Act), Sitamarhi/concerned court, in connection with Bela



P.S. Case No. 28 of 2025, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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