

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52168 of 2025

Arising Out of PS. Case No.-193 Year-2024 Thana- UCHKAGAON District- Gopalganj

Narad Pandey S/O Late Avdhesh Pandey R/O Vill.- Jhunapur, P.S.-
Mahadeva, Dist.- Siwan. Petitioner/s

Versus

1. The State of Bihar.
2. Raj Kishore Mahto S/O Ramjeet Mahto, R/O Vill.- Balahata, P.S.-
Uchakagaon, Dist.- Gopalganj.
3. Poonam Kumari D/O Raj Kishore Mahto R/O Vill.- Balahata, P.S.-
Uchakagaon, Dist.- Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parth Gaurav, Advocate

For the Opposite Party/s : Ms.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 16-10-2025 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
Uchakagaon P.S. Case No. 193/2024, registered for the
offence under Sections 363, 366(A), 376 and 34 of the
Indian Penal Code and Sections 4, 8, 12 of POCSO Act.

3. The accused/petitioner is named in the F.I.R. and
is in custody since 17.11.2024.

4. As per FIR, the minor daughter of the informant
aged about 14 years was eloped by one Binod Kumar Singh,
whereafter her marriage was forcefully solemnized with this
petitioner.



5. Learned counsel appearing on behalf of the petitioner submitted that the present FIR was lodged with a delay of one month and six days, which is sufficient to suggest that same was lodged as an afterthought. It is pointed out that the petitioner himself is a differently abled person and, therefore, the allegation *qua* forceful marriage against petitioner not appears convincing. It is submitted that the marriage was well within the parents of victim/informant.

6. Arguing further, it is submitted that as per radiological examination victim is about 18 years. It is pointed out further that despite of custody of about 11 months, not even victim was examined before the learned trial court within time line of Section 35(1) of the POCSO Act and, therefore, conclusion of trial within preferred time line of one year as provisioned under Section 35(2) of the POCSO Act also appears not possible. While concluding the 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 and, moreover, petitioner claimed clean antecedent.



7. Learned APP while opposing the prayer of bail submitted that the allegation *qua* sexual assault is specific against this petitioner. It is pointed out that the marriage was solemnized forcibly. However, learned APP conceded fairly that FIR in issue was lodged with a delay of one month and six days, as submitted aforesaid.

8. The learned APP submitted service report *qua* informant/opposite party no. 2 across the board, which was taken on record. Despite service of notice informant/opposite party no. 2 failed to join the present pending proceedings.

9. Considering the aforesaid factual submissions and by taking note of fact as the FIR in issue was lodged with inordinate delay of one month and six days without placing any convincing explanation, coupled with the fact that even victim could not be examined within preferred time line as available under Section 35(1) of the POCSO Act, despite of custody of petitioner for about 11 months, as he remains in custody since 17.11.2024 and, therefore, the trial of this case is also not likely to be concluded within preferred time line of one year as available under Section 35(2) of the POCSO Act,



accordingly, petitioner above named, is directed to be released on bail in connection with Uchakagaon P.S. Case No. 193/2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI cum Special Judge, POCSO, Gopalganj/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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