

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49375 of 2025

Arising Out of PS. Case No.-11 Year-2025 Thana- Tetiyabumber District- Munger

Sourabh Sah @ Saurabh Kumar Son of Dilip Prasad Sah Vill -Amba Bathan
PO -Latauna PS- Godda Distt-Godda Jharkhand

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chhabila Devi Wife of Narayan Sah Village- Banauli Rajadih, Ps- Tetiya Bumber, Dist- Munger

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jyoti Ranjan Jha, Adv.
For the Opposite Party/s	:	Mr.Yogendra Kumar Singh, APP
For the Informant	:	Mr. Ajay Kumar Tiwari, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 08-10-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the informant.

Perused the case diary.

2. The petitioner seeks bail in connection with POCSO

Case No. 08 of 2025 arising out of Tetiya Bumber P.S. Case No.
11 of 2025 instituted for the offences under Sections 137(2)/87
of the Bhartiya Nyaya Sanhita, 2023 and, later on, added
Sections 96/64 of the Bhartiya Nyaya Sanhita, 2023 and Section
6/12 of the POCSO Act.

3. As per prosecution case, the accusation against the
petitioner is of keeping the informant's minor daughter illegally
for four months.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is the son-in-law of the informant and the victim girl went with the petitioner on her own will as well as with the consent of her family members. He further submits that there is delay of three months and fifteen days in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. The victim in her statements recorded under Sections 180 and 183 of the B.N.S.S. has not made any allegation of sexual assault against the petitioner. He further submits that the trial is going on and the informant, victim girl and Manisha Kumar have been examined as P.Ws. 1, 2 & 3 but, all of them have been declared hostile. The medical evidence has also not corroborated the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 18.01.2025 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The victim girl is minor. He further submits that the re-statement of the informant and several witnesses have fully



supported the prosecution case. The victim girl in her statements recorded under Sections 180 and 183 of the B.N.S.S. has stated that the petitioner kept her with him for about four months and has also made physical relationship with her. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner for offence under Sections 96/64 of the Bhartiya Nyaya Sanhita, 2023 and Sections 6/8 of the POCSO Act.

6. Having heard learned counsel for the parties taking into account the nature of allegation, gravity of the offence as also the materials available in the case diary, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of four months from today. If the trial is not concluded within the period of four months as stated above, the petitioner will be at liberty to renew his prayer before the court below.

(Rudra Prakash Mishra, J)

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