

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49631 of 2025

Arising Out of PS. Case No.-52 Year-2025 Thana- SARSI District- Purnia

=====

Raja Kumar S/o Nago Mahto R/o Vill- Akhtiyarpur (Harbhanga), Ward No. 8,
P.S.- Sarsi, Distt- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Soni Devi W/o Pramod Sah R/o Vill- Akhtiyarpur, Ward No. 4, P.S.- Sarsi,
Distt- Purnea

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Md. Matloob Rab

=====

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 19-08-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sarsi P.S. Case No. 52/2025 dated 17.03.2025 registered for the offence punishable u/s 126(2), 115(2), 352, 351(2) and 65(1) of the B.N.S. and Sections 4 and 8 of the POCSO Act.

3. As per the prosecution case, the petitioner is alleged to have established physically relationship with the informant's minor daughter on the pretext of marriage. One day the petitioner put *sindoor* in a temple on the victim and when the informant came to know about this incident on 15.02.2025, the



petitioner said that he accept her daughter as his wife. Thereafter, on 20.02.2025, the petitioner and the co-accused persons came to the house of the informant and started abusing and assaulting and refused to marry the victim.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is a delay of one month in lodging the F.I.R. and there is no proper explanation given by the informant regarding such inordinate delay. As per the medical report, no evidence of recent sexual assault was found. The petitioner has one antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 20.03.2025.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the victim is a minor girl. The victim in her statement recorded u/s 180 and 183 of the B.N.S.S. has specifically named the petitioner and stated that she was sexually assaulted by the petitioner. Learned counsel has further submitted that it is settled law that the ocular evidence always prevails on the medical report.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of offence against the



petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Sarsi P.S. Case No. 52/2025 pending in the court of learned DASJ-VI-cum-Special Judge (POCSO), Purnea.

7. Learned court below is directed to conclude the trial of the petitioner at the earliest.

(Chandra Prakash Singh, J)

atul/-

U		T	
---	--	---	--

