

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50550 of 2025

Arising Out of PS. Case No.-12 Year-2025 Thana- MAHILA P.S. District- Madhepura

Md. Zabbar Miya @ Md. Zabbar Son of Md. Shabrati Village- Sukhasan,
Ward no. 7, Ps- Singeshwar Dist- Madhepura

... .. Petitioner

Versus

1. The State of Bihar
2. Pooja Kumari wife of Raj Kumar Thakur Village- Sukhasan, Ward no. 8, Ps- Singeshwar Dist- Madhepura

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma, Advocate
For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-11-2025 Heard learned counsel appearing on behalf of the

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

2. The accused/petitioner seeks bail in connection with

Mahila P.S. Case No. 12 of 2025 registered for the offences

under Sections 62, 64, 76, 96 of the Bhartiya Nyay Sanhita,

2023 (in short, the 'B.N.S.') and section 8 of the POCSO Act.

3. The accused/petitioner is named in the First

Information Report and is in custody since 10.04.2025.

4. Allegation against the petitioner is to made an

attempt to commit rape upon the minor daughter of the

informant aged about five years.

5. It is submitted by learned counsel appearing on



behalf of the petitioner that implication of petitioner raised only on the basis of suspicion as he was walking behind the minor daughter of the informant. It is submitted that informant is not the eye witness of the occurrence and entire implication is based upon hearsay input as provided by the minor daughter of the informant and, therefore, tutoring cannot be ruled out.

6. It is further submitted that petitioner is in custody since 10.04.2025 i.e. about seven months and still the victim could not examined in this matter in view of timeline as provisioned under section 35(1) of the POCSO Act and, on this ground alone, petitioner deserves bail. It is submitted that petitioner found involved in two more criminal cases, where he is on bail.

7. Learned A.P.P. for the State, while opposing the prayer for bail of the petitioner, submitted that it is a case of penetrative sexual assault as it transpires from the statement of minor daughter of the informant aged about five years recorded under section 183 of the B.N.S.S., where she categorically stated that she developed tenderness and pain in and around her private parts and also said about the bleeding from her private parts. It is submitted that the victim was just five years



old. In support of his submission, learned A.P.P. further pointed out the medical report of the victim where abrasion 1” x 1” and also bleeding was noticed by the doctor from her private part, who further opined that possibility of rape cannot be ruled out.

8. Taking note of the aforesaid submission and considering the fact as medical report and statement of the victim recorded under section 183 of the B.N.S.S. categorically suggests the occurrence as penetrative sexual assault upon minor daughter of the informant aged about five years, where allegation is specifically available against this petitioner who is a named accused, accordingly, prayer of bail of the petitioner is hereby rejected for the present.

9. As the petitioner remains in custody since 10.04.2025, accordingly, learned trial court is directed to take all possible steps to conclude the trial within the timeline as provisioned under section 35(2) of the POCSO Act.

10. Accordingly, this application stands dismissed.

(Chandra Shekhar Jha, J)

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