

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54155 of 2025**

Arising Out of PS. Case No.-886 Year-2022 Thana- MADHEPURA District- Madhepura

Prahlad Kumar S/o Gajendra Yadav R/o Vill- Morkahi, P.S.- Murliganj, Distt- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shilvrat Poddar @ Shilvant Poddar S/o Late Ramadhani Poddar R/o Mission Road, Bajrangbali Chowk, Ward No. 23, P.S. and Distt- Madhepura

... .. Opposite Party/s

**Appearance :**

|                          |   |                               |
|--------------------------|---|-------------------------------|
| For the Petitioner/s     | : | Mr. Uday Chand Prasad, Adv    |
|                          | : | Ms. Pooja Prasad, Adv         |
| For the Opposite Party/s | : | Ms. Veena Kumari Jaiswal, APP |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

4      09-12-2025                      Heard the parties.

2. The petitioner seeks bail in connection with Madhepura P.S. Case No. 886 of 2022 registered for the offence under Sections 363, 366A, 364/34 of the I.P.C. and Section 8 of the POCSO Act.

3. The petitioner is named in the F.I.R. and is in custody since 14.10.2024.

4. The allegation against the petitioner is to kidnap the minor daughter of informant aged about 14 years for solemnizing marriage and committed sexual assault upon her.

5. Learned counsel appearing on behalf of the petitioner submitted that victim while recording her statement under Section 183 of the BNSS categorically stated that she went along with



petitioner out of her own sweet will and accompanied him for *Hardi Gharoda*, where she solemnized marriage with petitioner in *Hanuman Temple*. It is also pointed out that victim refused to join medical examination and, therefore, in want of corroborating material allegation of penetrative sexual assault appears doubtful. Arguing further, it is submitted that despite remaining in custody for more than a year matter is still pending for evidence and same is not likely to conclude in the near future. It is pointed out that petitioner cannot be kept behind bars for indefinite period of time in view of speedy trial as provisioned under Section 35(2) of the POCSO Act. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Despite valid service of notice, none appeared on behalf of informant.

8. In view of aforesaid factual submission and by taking note of fact as prima-facie allegation of kidnapping and sexual assault appears negated by victim herself, coupled with fact as investigation of this case already completed, where petitioner



remains in custody since 14.10.2024 with very slow progress in trial suggesting that same is not likely to be conclude in the near future, accordingly petitioner above named, is directed to be released on bail in connection with Madhepura P.S. Case No. 886 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-VI cum Special Judge, (POCSO), Madhepura/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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