

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58517 of 2025

Arising Out of PS. Case No.-84 Year-2024 Thana- BALIYA District- Begusarai

Rajesh Kumar @ Lelha @ Babloo Kumar S/O Ramanand Singh Resident of
village- Ballia, Bariyarpur, P.S- Ballia, District- Begusarai, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandan Kumar Singh S/O Late Kari Singh R/O Village- Ballia, Bariyarpur,
P.S- Ballia, Distt.- Begusarai, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvottam Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 29-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The instant application for regular bail has been
filed by the petitioner in connection with Ballia Case No. 41 of
2024 instituted for the offence punishable under Section 376 of
the Indian Penal Code, Sections 4, 6, 8 and 11(v) of the POCSO
Act and Section 67(B) of the I.T. Act.

3. Earlier the application for regular bail of the
petitioners was rejected by this Court vide order dated
27.02.2025 passed in Cr. Misc. No. 81003 of 2024 with a liberty
that he may renew his prayer for bail after two months.

4. Learned counsel for the petitioner has submitted



that trial has not been concluded as yet. It has been brought to the notice to this Court that till today, the victim has not been examined.

5. Learned counsel for the petitioner has further submitted that POCSO Act provides that the victim must be examined within one month of the order of the cognizance.

6. Be it as may be, it is a case of Section 376 of the IPC and Sections 4, 6 and 8 of the POCSO Act.

7. Considering the above facts and circumstances of this case, the examination of the victim is essential as the victim has still not been examined, I am not inclined to grant regular bail to the petitioner at this stage, hence, his prayer for bail stands rejected.

8. However, the petitioner will be at liberty to renew his prayer for bail either after three months or after the examination of the victim, whichever is earlier.

9. Accordingly, this application stands disposed of.

(Ashok Kumar Pandey, J)

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