

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51649 of 2025

Arising Out of PS. Case No.-296 Year-2025 Thana- BIHAR District- Nalanda

Dashrath Kumar Rajak, Son of Ranjit Rajak, resident of Mohalla-Sundargarh,
P.S.-Biharsharif, District -Nalanda

... .. Petitioner

Versus

1. The State of Bihar
2. Suhana Raj, Daughter of Devendra Prasad, resident of Mohalla-Sundargarh
P.S.-Biharsharif, District -Nalanda

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Krishna Prasad Singh, Senior Advocate Mr. Bhaskar Shankar, Advocate Mr. Sakshi Deep, Advocate
For the State	:	Mr. Anish Chandra, APP
For the Informant	:	Mr. Amit Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 14-11-2025 Heard learned senior counsel for the petitioner and

learned Additional Public Prosecutor for the State duly

assisted by learned counsel appearing for the informant.

2. The accused/petitioner seeks bail in connection

with POCSO Case No.85 of 2025 arising out of Biharsharif

P.S. Case No.296 of 2025 registered for the offences

punishable under Sections 64 of the Bhartiya Nyaya Sanhita,

2023 (for short ‘B.N.S.’) as well as Sections 4 and 6 of the

Protection of Children from Sexual Offences Act (in short

‘POCSO Act’).

3. The accused/petitioner is named in the FIR and



is in custody since 17.05.2025.

4. As per FIR, the petitioner committed penetrative sexual assault/rape upon informant, where friendship of informant is an admitted position with petitioner.

5. Mr. Krishna Prasad Singh, learned senior counsel appearing for the petitioner submitted that admittedly as per statement of victim recorded under Section 183 of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS') that she was in relationship with petitioner for couple of years before lodging this FIR but, not ever any allegation/objection was raised either before parents or police. It is submitted that admittedly the informant was paying fee for her younger sister, who was learning martial art in the institute of petitioner and when certain dispute surfaced regarding payment of balance fee of Karate class of younger sister of informant, the present false case was raised. It is submitted that medical examination is also not suggesting any incriminating materials in support of penetrative sexual assault/rape, as alleged. While concluding argument, it is submitted that investigation of this case is already completed,



for which, charge-sheet has submitted and, as such, there is no chance of tampering with the evidence and moreover petitioner claimed clean antecedent.

6. Arguing further, it is also submitted that despite of custody of about six months, even victim could not examined by learned trial court in view of Section 35(1) of the POCSO Act and on this ground alone, the petitioner deserves bail.

7. Learned APP duly assisted by Mr. Amit Ranjan, learned counsel for the informant while opposing the prayer of bail submitted that specific allegation *qua* penetrative sexual assault/rape is available against this petitioner.

8. In view of aforesaid factual submissions and by taking note of fact as the present case appears to lodge after about two years of first alleged occurrence, where admittedly informant was in relationship with petitioner, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 17.05.2025, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IV-cum-Exclusive Special Judge (POCSO), Biharsharif, Nalanda in connection with POCSO Case No.85 of 2025 arising out of Biharsharif P.S. Case No.296 of 2025, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

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