

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52069 of 2025

Arising Out of PS. Case No.-537 Year-2024 Thana- MAJHAULIA District- West Champaran

Rajan Kumar S/o Munnilal Sahni R/o Senuwariya, Ward No. 3, PS-
Majhauiliya, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. X W/o Late Anil Sahani R/o Bhatha, PS- Muffasil (Motihari), Distt.- East
Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 14-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with
Majhauiliya P.S. Case No. 537 of 2024 registered for the
offence under Sections 65(1) of BNS and Section 4 and 6 of
POCSO Act.

3. The petitioner is named in the F.I.R. and is in
custody since 12.06.2025.

4. The allegation against the petitioner is to commit
penetrative sexual assault/ rape upon the minor daughter of
informant aged about 13 years while she visited sugarcane
field.



5. Learned counsel appearing on behalf of the petitioner submitted that the sugarcane field, in issue, which is alleged place of occurrence, where petitioner is a care taker, when crops of the field was disturbed by the victim and her sister who was cutting grass near to the field, petitioner slapped the victim and out of said physical assault, the present false implication was raised against petitioner which gets further support from the medical examination conducted within 24 hours suggesting that there is no sign of physical assault. It is also submitted that statement of victim qua occurrence as narrated through her statement recorded under Section 180 of BNSS is different from the statement recorded under Section 183 of the BNSS. It is also pointed out that despite of custody for more than 6 months even victim could not examined by trial court under Section 35(1) 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. Notice was duly served upon informant, but failed to join present proceedings.

8. In view of aforesaid factual submission and by taking note of fact as narration *qua* occurrence of victim *prima-facie* appears different out of statements as discussed aforesaid, coupled with the fact that even victim could not examined within timeline as provisioned under Section 35(1) of POCSO Act, where petitioner remains in custody since 12.06.2025, accordingly petitioner above named, is directed to be released on bail in connection with Majhauriya P.S. Case No. 537 of 2024 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO cum DASJ VI, West Champaran, Bettiah /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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