

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55904 of 2025

Arising Out of PS. Case No.-68 Year-2025 Thana- Raghunathpur District- East Champaran

Ranjay Kumar Sah S/O Ramji Sah R/O Vill.- Sapahi Dih, P.S.- Raghunathpur,
Dist- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramashish Sah S/O Bagad Sah R/O Village- Sapahi Dih, Ward No. 10, P.S-
Raghunathpur, Distt.- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar II, Adv

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 18-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with Raghunathpur P.S. Case No. 68 of 2025 registered for the offence under Sections 65(1), 126(2), 115(2), 303(2) and 3(5) of the BNS and Sections 4 and 6 of the POCSO Act.

3. The petitioner is named in the F.I.R. and is in custody since 15.05.2025.

4. The allegation against the petitioner is to commit penetrative sexual assault upon daughter of informant aged about 15 years, when she went outside to attend nature's call on 13.03.2025 at 11:30 PM.

5. Learned counsel appearing on behalf of the petitioner submitted that as per statement of victim as recorded under



Section 183 of the BNSS occurrence in issue projected differently as she raised through FIR. It is submitted that when out of family disputes as admittedly petitioner is the co-sharer and agnate of the informant family, present false case was lodged. It is submitted that when occurrence of 14.03.2025 was reported to the family members, informant was assaulted. It is submitted that aforesaid allegation was raised in planned and formulated manner to implicate entire family. It is submitted that FIR also suggest that on 14.03.2025 informant received serious grievous injuries but no injury report in this regard is available on record suggesting that entire allegation is false on its face.

6. Arguing further, it is submitted that despite custody for about 8 months even victim could not examine as provisioned under Section 35(1) of the POCSO Act and therefore, trial is also not likely to conclude within provisioned timeline of one year as prescribed 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 duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that



allegation of rape is specifically available against this petitioner.
However, he could not disputed aforesaid factual submission.

7. In view of aforesaid factual submission and by taking note of contrary statement of victim as recorded under Section 183 of the BNSS over the FIR, coupled with fact as victim could not examine within timeline as prescribed under Section 35(1) of the POCSO Act, where petitioner remains in custody since 15.05.2025, accordingly petitioner above named, is directed to be released on bail in connection with Raghunathpur P.S. Case No. 68 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 6th District and Additional Sessions Cum Exclusive Special Judge, POCSO Act, East Champaran/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.)

S.Tripathi/-

U		T	
---	--	---	--

