

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54622 of 2025

Arising Out of PS. Case No.-63 Year-2025 Thana- JADIA District- Supaul

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KUMOD YADAV @ KUMOD KUMAR S/o LAXMAN YADAV R/o vill -
Hirapatti, ward no.9, P.s. - Jadia, Distt.- Supaul

... .. Petitioner

Versus

1. The State of Bihar
2. XXX D/o Late Janardan Yadav R/o vill - Jadia, ward no. 13, P.S.- Jadia,
Distt.- Supaul

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate

For the Opposite Party/s : Mrs.Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 17-11-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with

Jadiya P.S. Case No. 63 of 2025 registered for the offences

under Sections 126(2), 115(2), 74, 76, 137(2), 87, 96, 64,

82(2), 82(1), 352, 351(2), 61(2), 3(5) of the Bhartiya Nyay

Sanhita, 2023 (in short, the 'B.N.S.') and section 4, 8 & 16 of

POCSO Act.

3. The accused/petitioner is named in the First

Information Report and is in custody since 17.04.2025.

4. The basis of lodging the present FIR is the

complaint case bearing No. 13C/2024 dated 12.09.2024 lodged



before Special POCSO Court, Supaul, wherein it is alleged that petitioner, who is none but the brother-in-law (Jija) committed rape upon the complainant/informant aged about 14 years.

5. It is submitted by learned counsel appearing on behalf of the petitioner that this is a classical case to suggest that how the rigours of POCSO Act was misused for false implication. It is submitted that after the death of father of informant/complainant, the petitioner cared his wife and also her two sister-in-law including this complainant/informant.

6. It is further submitted that as certain property dispute was going on between the deceased father of informant and her aunt (Bua) making this complainant/ informant instrumental, the wife of petitioner lodged a case against her 'Bua' at first instance, which was POCSO Case No. 75/2024 arising out of Supaul (Mahila) P.S. Case No. 33 of 2024, wherein age of this victim was shown as 14 years. Now, by passing time, the informant/victim persuaded by the 'Bua' and made instrumental to lodge false case against this petitioner, who is husband of elder sister of the complainant.

7. It is pointed out that upon medical examination, no incriminating material recovered/surfaced which may suggest



that any penetrative sexual assault, as alleged, was committed upon informant/victim. It is also submitted that despite of custody of about seven months, the victim could not be examined in this case defeating the provisions of law as available under section 35(1) of the POCSO Act, and, therefore, it can be safely said that there is no likelihood to conclude the trial within the preferred timeline of one year as provisioned under section 35(2) of the POCSO Act.

8. While concluding argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is already concluded, for which charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.

9. Learned A.P.P. for the State, while opposing the prayer of bail, could not dispute the aforesaid factual submission particularly as to lodge the earlier complaint case for sexual assault by this informant/victim.

10. In view of aforesaid factual submission and *prima facie* by taking note of the background in which the present allegation raised against the petitioner, where informant/ victim could not be examined by the learned trial court within timeline as



provisioned under section 35(1) of the POCSO Act, coupled with the fact that investigation of this case is already concluded, where petitioner, being a man of clean antecedent, remains in custody since 17.04.2025, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-cum-Special Judge, POCSO Act, Supaul/concerned court, in connection with Jadiya P.S. Case No. 63 of 2025, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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