

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54758 of 2025

Arising Out of PS. Case No.-6 Year-2025 Thana- Lokha District- Supaul

Pintu Kumar S/O Biren Pandit @ Virendra Pandit R/o Vill.- Amha, Ward No.04, P.S - Laukaha, District - Supaul

... .. Petitioner

Versus

1. The State of Bihar Patna
2. Shambhu Yadav S/O Late Laxmi Yadav R/O Vill.- Amaha, Ward no. 4, P.S.- Laukaha, Dist.- Supaul

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate
For the Opposite Party/s : Mrs.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 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 Laukaha P.S. Case No. 06 of 2025 corresponding to POCSO Case No. 52 of 2025 registered for the offences under Sections 96, 352, 351(2), 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.') and subsequently cognizance has been taken under sections 137(2), 87, 96, 65(1) of the B.N.S.S. and section 4, 6 and 17 of the POCSO Act.

3. The accused/petitioner is named in the First Information Report and is in custody since 05.02.2025.



4. Allegation against the petitioner is to kidnap the minor daughter of the informant aged about 16 years and thereafter alleged to commit penetrative sexual assault upon her.

5. It is submitted by learned counsel appearing on behalf of the petitioner that during course of investigation, statement of the victim was recorded under section 183 of the B.N.S.S., where she categorically stated her age as 19 years. It is further submitted that as her parents was in process to solemnize her marriage somewhere else, she out of her own, left her parental home and joined the petitioner, to whom she was in love affairs and thereafter arrived at Patna. It is submitted that on 16.01.2025, she solemnized marriage with this petitioner in a Temple. It is stated there that petitioner is desirous to continue his matrimonial life with victim.

6. It is submitted that despite of custody for about nine months, even victim could not examined in view of timeline as provisioned under section 35(1) of the POCSO Act and, therefore, trial of this case is not likely to be concluded within the timeline of one year as provisioned under section



35(2) of the POCSO Act.

7. It is also submitted that no incriminating material recovered/surfaced during investigation which may support the allegation that victim was sexually abused.

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 duly assisted by learned counsel appearing for the informant, while opposing the prayer for bail of the petitioner, categorically stated that this petitioner, taking advantage of understanding of victim being minor, sexually abused her and also solemnized marriage at Patna.

10. In view of aforesaid factual submission and by taking note of the fact as the victim negate allegation of kidnapping and sexual assault *qua* petitioner while recording her statement under section 183 of the B.N.S.S., coupled with the fact that even victim could not be examined by the



learned trial court within the timeline as provisioned under section 35(1) of the POCSO Act, where petitioner, who is a man of clean antecedent, remains in custody since 05.02.2025, 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 and Additional Sessions Judge-cum-Special Judge, POCSO Act, Supaul/concerned court, in connection with Laukaha P.S. Case No. 06 of 2025 corresponding to POCSO Case No. 52 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)

Rajeev/-

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

