

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55633 of 2025

Arising Out of PS. Case No.-2 Year-2025 Thana- BENIPATTI District- Madhubani

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Raushan Kumar Dhankar @ Raushan Kumar Son of Shankar Dhankar R/O
Village - Pandasarai, Ward No.- 48, P.S.- Laheriasarai, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ashok Kumar Son of Bauku Dhankar R/O Village+ P.O. + P.S.- Benipatti,
District - Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-11-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Benipatti

P.S. Case No. 02/2025 registered for the offence under Sections

137(2), 96, 64, 351(2) of BNS, 2023. Cognizance was taken

under Section 137(2), 96, 64, 351(2) of BNS, 2023 and Section 4

of POCSO Act and Section 9 of Prohibition of Child Marriage Act.

3. The accused/petitioner is named in the F.I.R. and is

in custody since 13.01.2025

4. The allegation against the petitioner is to kidnap the

minor daughter of the informant aged about 15 years and,

thereafter committed sexual assault upon her.

5. Learned counsel appearing on behalf of the petitioner



submitted that during investigation statement of victim girl was recorded, where she categorically stated that she out of her own sweet will left her parental home and asked this petitioner to join her, whereafter she solemnized marriage with petitioner in temple. It is pointed out that the victim refused to join medical examination and therefore in want of corroborating material, the allegation as raised against the petitioner cannot be said convincing. While arguing further, it is submitted that despite custody of petitioner for about long ten months not even victim could examine within meaning of Section 35(1) of the POCSO Act and, therefore, trial of this case is also not likely to conclude within the time line as provisioned under Section 35(2) of the POCSO Act. The petitioner claimed clean antecedent.

6. Learned APP opposed the prayer of bail.

7. Considering the aforesaid factual submissions and by taking note of statement of victim as recorded under Section 183 of BNSS, where she *prima facie* negate the allegation of kidnapping and sexual assault, coupled with the fact that even victim could not examine within provisioned time line as per Section 35(1) of the POCSO Act, suggesting *prima facie* that trial of this case is not likely to conclude within time line as provisioned under Section 35(2) of the POCSO Act, where petitioner being



man of clean antecedent, remains in custody since 13.01.2025, accordingly, petitioner above named, is directed to be released on bail in connection with Benipatti P.S. Case No. 02/2025, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge, POCSO, Madhubani/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)

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