

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55605 of 2025

Arising Out of PS. Case No.-66 Year-2025 Thana- Ramgarh Chowk District- Lakhisarai

Chunchun Sharma S/O Mr. Masudan Mistri @ Satyanarayan Mistri R/O
Village- Masuda, P.S- Warisaliganj, Distt.- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramashish Yadav S/O Thakuri Yadav R/O Village- Billo, P.S- Ramgarh Chowk, Distt.- Lakhisarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Adv. Mrs. Vaishnavi Singh, Adv. Mr. Ritwik Thakur, Adv.
For the Opposite Party/s	:	Mr. Raj Kishor Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 18-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with

Ramgarh Chowk P.S. Case No. 66 of 2025 registered for

the offence under Sections 96 of BNS.

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

custody since 16.04.2025.

4. The allegation against the petitioner is to

commit penetrative sexual assault/ rape upon daughter of

the informant aged about 15 years.

5. Mr. Ajay Thakur while arguing for petitioner



submitted that during course of investigation victim refused to join medical examination and therefore in want of corroborating material, the allegation of penetrative sexual assault not appears convincing. It is submitted that the statement of victim recorded under Section 183 of the BNSS where she categorically stated her age as 17 years old and stated that she was known to petitioner and on the date of alleged occurrence while she went to home of her friend namely Anjali Kumari, she called this petitioner to marry her but he refused. It is submitted that when aforesaid friend of victim called her parents, they arrived at the home of Anjali Kumari and this petitioner was called for, from where he was handover to police. It is submitted that the aforesaid statement of victim nowhere suggests that the victim daughter of informant was kidnapped or sexually abused by this petitioner.

6. Arguing further, Mr. Ajay Thakur submitted that even victim could not examined within timeline as provisioned under Section 35(1) of the POCSO Act,



despite the fact that the petitioner is in custody since 16.04.2025. 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.

7. Learned APP while opposing the prayer of bail submitted that specific allegation is available against petitioner however he could not disputed the factual submission as raised by Mr. Thakur, out of statement of victim recorded under Section 183 of BNSS.

8. Despite of service of notice none appeared on behalf of informant/ OP No. 2 to join present proceeding.

9. In view of aforesaid factual submission and by taking note of fact as victim completely negate the allegation of kidnapping and sexual assault against petitioner, coupled with fact that investigation of this case already completed where petitioner remains in custody since 16.04.2025, accordingly petitioner above named, is



directed to be released on bail in connection with Ramgarh Chowk P.S. Case No. 66 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 District and Addl. Sessions Judge VI cum Spl. Judge, POCSO Act, Lakhisarai /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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