

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59508 of 2025

Arising Out of PS. Case No.-248 Year-2025 Thana- CHANDI District- Nalanda

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Anand Kumar S/o Murari Bind R/o Village- Khajura, P.S.- Nagarnausa,
District- Nalanda

... .. Petitioner

Versus

1. The State of Bihar
2. Bittu Kumar S/o Jhauri Bind R/o Village- Madhopur Samarhua (Samnahua),
P.S.- Harnaut, District- Nalanda

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr.Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-11-2025 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 Chandi P.S. Case No. 248/2025 registered for the offences under Sections 64(1)/69 of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.') and section 4 & 6 of POCSO Act.

3. The accused/petitioner is named in the First Information Report and is in custody since 16.05.2025.

4. Allegation against the petitioner is to commit penetrative sexual assault upon minor daughter of the informant aged about 15 years.

5. It is submitted by learned counsel appearing



on behalf of the petitioner that on false pretext of marriage the present allegation was raised. It is submitted that allegation of penetrative sexual assault was raised on the basis of suspicion as the daughter of informant was found inside the closed room with the petitioner. In support of which, informant filed a petition before the court concerned, retracting from the earlier version of allegation. It is pointed out that even upon medical examination, no incriminating material appears surfaced which may support the occurrence as alleged.

6. Arguing further, it is submitted that petitioner is in custody since 16.05.2025, despite of same even victim could not examined as provisioned under section 35(1) of the POCSO Act, suggesting that trial of this case is not likely to conclude in near future.

7. 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.

8. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.



9. Despite service of notice, none appeared on behalf of the informant to join the present proceeding.

10. In view of aforesaid factual submission and by taking note of the fact as the allegation of penetrative sexual assault *prima facie* appears to be raised on the basis of suspicion, coupled with the fact that victim even could not examined by the learned trial court within timeline as provisioned under section 35(1) of the POCSO Act, accordingly, petitioner above-named, who is a man of clean antecedent and remains in custody since 16.05.2025, 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 Special Judge, POCSO, Nalanda/concerned court, in connection with POCSO Case No. 83 of 2025 arising out of Chandi P.S. Case No. 248 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/-

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