

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57384 of 2025

Arising Out of PS. Case No.-21 Year-2025 Thana- MAHILA P.S. District- Muzaffarpur

Vikash Kumar Son of Palat Ram, Resident of Village - Thatiya Kishunpur
Belaur, P.S.- Kudhani, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. X Daughter of Rajkumar Paswan, Resident of village - Thatiya Kishunpur
Belaur, P.S.- Kudhani, District - Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sagar Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with
POCSO G.R. No. 85 of 2025, arising out of Mahila P.S. Case
No. 21 of 2025 registered for the offences under Sections
126, 64, 352 and 351(2) read with Section 3(5) of the
Bharatiya Nyaya Sanhita and Sections 4 and 6 of the POCSO
Act.

3. The petitioner is named in the F.I.R. and is in
custody since 01.04.2025.

4. The allegation against the petitioner is that on
20.03.2025 at about 04:00 AM, the petitioner committed
penetrative sexual assault upon the informant, aged about 16



years. This occurrence was alleged to be the first occurrence which was committed in a bamboo clumps, where victim was called by the petitioner, thereafter the petitioner, on several occasions, made physical relationship with her and put vermilion on her forehead, forcibly.

5. Learned counsel appearing on behalf of the petitioner submitted that the informant was in love with the petitioner and therefore, on the first date of occurrence, i.e., on 20.03.2025, she came to the bamboo plum on her own. It is further submitted that there is no allegation for kidnapping or any false promise of marriage, rather as petitioner put vermilion forcibly on the forehead of this victim, the present allegation was raised.

6. Arguing further, it is submitted that independent witnesses did not supported the occurrence during investigation and stated that only bonds between the family of the petitioner and informant was executed as to solemnize the marriage of victim with the petitioner after two years when she would major.

7. Arguing further, it is pointed out that



cognizance in this matter was taken on 04.08.2025 and even thereafter, the victim of this case was not examined within the timeline as provisioned under Section 35(1) of the POCSO Act. In this context, it is pointed out that not even a single prosecution witness was examined till now, suggesting prima facie that trial of this case is not likely to conclude within preferred timeline of one year as provisioned under Section 35(2) of the POCSO Act. While concluding the argument it is submitted that, petitioner is a man of clean antecedent.

8. Learned APP appearing on behalf of the State, opposes the prayer for bail.

9. Despite of service of notice, none turned up to join the proceeding on behalf of the informant/ OP No. 2.

10. In view of aforesaid factual submission and by taking note of fact as the statement of independent witness during the course of investigating creates a doubt, qua occurrence, where the victim could not even examined within the timeline as provisioned under Section 35(1) of the POCSO Act, coupled with the fact as petitioner remains in custody since 01.04.2025, accordingly above named



petitioner, is directed to be released on bail in connection with
POCSO G.R. No. 85 of 2025, arising out of Mahila P.S. Case
No. 21 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 Exclusive Special Judge,
POCSO-III, Muzaffarpur/concerned court, subject to the
conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J)

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