

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60622 of 2025

Arising Out of PS. Case No.-93 Year-2025 Thana- PIYAR District- Muzaffarpur

Md. Mubarak Son of Md Akbar, Resident of Village - Boariya, P.S. -Sakra,
Dist. - Muzaffarpur. Petitioner/s

Versus

1. The State of Bihar.
2. Nurjaha Khatoon wife of Md. Akub R/o Village - Govindpur, P.S. - Piyar,
Dist. - Muzaffarpur. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 09-12-2025 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 Piyar P.S. Case No. 93 of 2025 registered for
the offence under Section 64 of the BNS Act and
Sections 4 and 6 of POCSO Act.

3. The accused/petitioner is named in the
F.I.R. and is in custody since 23.06.2025.

4. The allegation against the petitioner is
to commit penetrative sexual assault upon
daughter of the informant aged about 16 years
while she was washing cloth in her courtyard on
21.06.2025 at about 2:00 PM.



5. Learned counsel appearing on behalf of the petitioner submitted that the petitioner implicated with present case out of neighbourhood disputes and differences. It is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. Petitioner claimed clean antecedent.

6. Learned APP while opposing the prayer of bail submitted that even at the time of medical examination, the frequent bleeding was noticed from the private part of the victim. It is also pointed out that scratch mark on breast and multiple parallel line mark with redness were found all over the body particularly, on lower limbs, suggesting that how badly victim was ravished during the occurrence.

7. Despite of valid service, none appeared on behalf of the informant/opposite party no. 2 to join present pending proceeding.

8. Considering the aforesaid factual submissions and by taking note of medical report



of victim which *prima facie* suggest that penetrative sexual assault as alleged was committed upon her, accordingly, the prayer of bail of petitioner stands rejected.

9. The learned trial court is directed to conclude the trial within the time limit as provisioned under Section 35(2) of the POCSO Act.

(Chandra Shekhar Jha, J)

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