

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57899 of 2025

Arising Out of PS. Case No.-173 Year-2025 Thana- DAGARUA District- Purnia

Chhotu Mehta @ Chhotu Mohta S/O Sri Bijay Mehta @ Vijay Mehta R/O
Village- Muhammadpur, Ward No. 11, P.S- Kadwa, Distt.- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sagari Devi W/O Jotin Mandal R/O Village- Anarkol, Ward No. 11, P.S-
Dagarua, Distt.- Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 18-11-2025 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 Dagarua
P.S. Case No. 173/2025, registered for the offence under Sections
65, 3(5) of the BNS, 2023 and Section 4 of the POCSO Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 06.06.2025.

4. The allegation against the petitioner is to kidnap the
minor daughter, aged about 14 years of the informant alongwith
co-accused persons and thereafter to commit penetrative sexual
assault upon her.

5. Learned counsel appearing on behalf of the petitioner
submitted that upon medical examination, no recent forced entry



noted and the victim was also found between the age group of 14-17 years. It is submitted that out of acquaintance victim visited Patna with this petitioner, from where she returned after couple of days but due to oblique motive, the mother of the victim lodged present criminal case against the petitioner without any cogent material. It is submitted that statement under Section 183 of BNSS was recorded under influence of the parents as even the FIR lodged after the six days of the alleged occurrence.

6. Arguing further, it is submitted that though the petitioner is in custody since 06.06.2025 even victim could not examined by the learned trial court within time line as provisioned under Section 35(1) of the POCSO Act. Petitioner claimed clean antecedent.

7. Learned APP opposed the prayer of bail.

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

9. Considering the aforesaid factual submissions and by taking note of fact as despite the custody of petitioner for about six months, even victim could not examine by the learned trial court as discussed aforesaid, coupled with the fact that investigation of this case is already completed, accordingly,



petitioner above named, is directed to be released on bail in connection with Dagarua P.S. Case No. 173/2025, 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-VIIth-cum-Special Judge, POCSO Act, Purnea/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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