

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58822 of 2025

Arising Out of PS. Case No.-9 Year-2023 Thana- KHARIK District- Bhagalpur

Sachin Kumar, S/o Ranjeet Singh, R/o Village- Icharwa, P.S.- Alauli, District- Khagaria.

... .. Petitioner

Versus

1. The State of Bihar
2. Pankaj Kumar, S/o Dinesh Mandal, R/o Village-Usmanpur, P.S.-Kharik, District- Bhagalpur

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ranjan Kumar Jha, Advocate
For the State	:	Mr. Bharat Lal, APP
For the Informant	:	Mr. Sanjay Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 04-12-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State duly assisted by learned counsel for the informant.

2. The accused/petitioner seeks bail in connection with POCSO Case No.16 of 2023 arising out of Kharik P.S. Case No.9 of 2023 registered for the offences punishable under Section 376 of the Indian Penal Code (in short 'IPC'), Section 4 of the Protection of Children from Sexual Offences Act (in short 'POCSO Act') and Section 67-C of the I.T. Act.

3. The accused/petitioner is named in the FIR and is in custody since 15.02.2025.

4. Allegation against petitioner is to commit



penetrative sexual assault upon minor daughter of informant aged about 15 years.

5. It is submitted by learned counsel appearing for the petitioner that admittedly as per statement of victim recorded under Sections 161 and 164 of the Cr.P.C., it transpires that she was in love with petitioner. It is pointed out that as per radiological examination, the age of victim found between 17-19 years. It is pointed out that alleged occurrence took place in March, 2022 for which the FIR was lodged on 15th January, 2023 when the video of making relationship was made viral and came to the informant, who is none but the father of victim.

6. Arguing further, it is submitted that no injury in or around private part or upon any part of body was noticed upon medical examination of victim. It is submitted that despite of custody of about ten months, not even a single prosecution witness was examined and certainly, petitioner cannot be kept behind bar for indefinite period, where even law give mandate for speedy trial for such offences as provisioned under Section 35(2) of the POCSO Act.



7. Learned APP duly assisted by learned counsel for the informant opposed the prayer for grant of bail to the petitioner.

8. In view of aforesaid factual submissions and by taking note of statement of victim, where she stated that she established physical relationship with petitioner out of her love affairs, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 15.02.2025 almost with no progress in trial, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (POCSO)-cum-District and Additional Sessions Judge-VII, Bhagalpur in connection with POCSO Case No.16 of 2023 arising out of Kharik P.S. Case No.9 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS') and with further condition:-



(i) That the petitioner shall not contact in any manner with victim or to influence any prosecution witnesses during the pendency of trial, failing which the State/informant may press petition before learned trial court itself for cancellation of bail bond of petitioner after giving an opportunity of hearing to the petitioner.

(Chandra Shekhar Jha, J.)

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