

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59533 of 2025**

Arising Out of PS. Case No.-53 Year-2024 Thana- MAHILA PS District- Khagaria

Sandeep Kumar S/O Shaligram Singh Resident of Village- Nawada, Ward No. 15, P.S- Chautham, District- Khagaria.

... .. Petitioner

Versus

1. The State of Bihar
2. Rimjhim Kumari D/O Suresh Singh R/O Village- Nawada, Ward No. 13, P.S- Chautham, Distt.- Khagaria.

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Pooja Prasad, Advocate
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 04-12-2025 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 POCSO Case No. 32 of 2025 arising out of Khagaria

Mahila P.S. Case No. 53 of 2024 registered for the offences

under Sections 366A, 376, 341 & 506 of the Indian Penal

Code and section 4 of the POCSO Act.

3. The accused/petitioner is named in the First

Information Report and is in custody since 25.11.2024.

4. As per FIR, the informant, aged about 17 years,

was kidnapped by the petitioner for committing sexual



assaulted upon her.

5. It is submitted by learned counsel appearing on behalf of the petitioner that informant was in love affairs with petitioner and out of love affairs, she accompanied with this petitioner and went to Ambala, Punjab, where she resided together for six months, but as the relationship of the informant with the petitioner was not approved by her parents, the present false implication was raised against this petitioner and, therefore, after returning to the village the informant lodged this case as per instruction of her parents on 24.11.2024 for the occurrence dated 15.05.2024.

6. It is submitted that as per radiological examination, victim was found between the age group of 19 to 20 years. In this context, it is submitted that no injury report or any incriminating material recovered during investigation, which may suggest that sexual assault, as alleged, was committed upon the victim.

7. Arguing further, it is submitted that till date not even a single prosecution witness was examined in this case by the learned trial court despite the fact that petitioner



remained in custody for about one year when the provisions of time bound trial is available under section 35(2) of the POCSO Act.

8. 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.

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

10. Despite valid service of notice, none appears on behalf of the informant to join the present pending proceeding.

11. In view of aforesaid factual submission and by taking note of the background of the case which suggests *prima facie* that there was love affairs between the parties, where the FIR in issue appears to be lodged with a delay of six months, coupled with the fact that petitioner, who is a man of clean antecedent, remains in custody since 25.11.2024, almost with no progress in trial, accordingly, above-named



petitioner 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 Act, Khagaria/concerned court, in connection with POCSO Case No. 32 of 2025 arising out of Khagaria Mahila P.S. Case No. 53 of 2024, 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)

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