

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59211 of 2025

Arising Out of PS. Case No.-122 Year-2025 Thana- TILAUTHU District- Rohtas

Aftab Alam @ Laddu Ansari @ Aftab Alam Ansari @ Laddu @ Md. Aftab Ansari S/O Sabbir Alam @ Saddid Alam @ Sahid Alam Resident of village Dhoviya Mohalla, Ward no. 13, P.S.- Tilauthu, Dist.- Rohtas.

... .. Petitioner

Versus

1. The State of Bihar Patna
2. Ms. X Mr. Y Resident of village- Baradih, P.S.- Tilauthu, Dist.- Rohtas. At Present Dhoviya Mohalla, Ward no. 13, P.S.- Tilauthu, Dist.- Rohtas.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-11-2025 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 Special (POCSO) Case No. 88 of 2025 arising out of Tilauthu P.S. Case No. 122 of 2025 registered for the offences under Sections 65(2), 126(2), 115(2), 352, 351(2), 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.') and 4 & 6 of the POCSO Act.

3. The accused/petitioner is named in the First Information Report and is in custody since 28.04.2025.

4. Allegation against the petitioner is to commit sexual assault upon minor daughter of the informant aged



about 10 years.

5. It is submitted by learned counsel appearing on behalf of the petitioner that the face of FIR and also the statement of the victim recorded during investigation, nowhere suggest that penetrative sexual assault was committed upon her. This is a case of sexual assault on its face for which in routine manner ignoring the statement of victim and also the medical report, charge-sheet was submitted under section 4 & 6 of the POCSO Act.

6. It is further submitted by learned counsel that the present allegation was raised in the background of neighbourhood dispute and differences as parties are the tenants with same landlord.

7. 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.

8. Arguing further, it is submitted that despite of custody of petitioner for about seven months, even victim



could not examined within timeline as provisioned under section 35(1) of the POCSO Act and on this ground alone, petitioner deserves bail.

9. Learned A.P.P. for the State duly assisted by learned counsel for the informant, while opposing the prayer for bail of the petitioner, could not disputed the factual submission rather he stated that statement of the victim under section 183 of the B.N.S.S. was not recorded during investigation.

10. Considering the facts and circumstances as mentioned above and by taking note of the fact as *prima facie* the version of FIR suggest that allegation is not of penetrative sexual assault, coupled with the fact that investigation of this case is already concluded, where even victim could not examined within provisioned timeline as available under section 35(1) of the POCSO Act suggesting *prima facie* that trial of this case would not likely to conclude within preferred timeline of one year as available under section 35(2) of the POCSO Act, 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 District and Additional Sessions Judge – VII -cum-Exclusive Special Judge (POCSO Court), Rohtas at Sasaram/concerned court, in connection with Special (POCSO) Case No. 88 of 2025 arising out of Tilauthu P.S. Case No. 122 of 2025, 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)

Rajeev/-

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