

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 66515 of 2024**

**In**  
**CRIMINAL APPEAL (SJ) No.2627 of 2024**

Arising Out of PS. Case No.-71 Year-2024 Thana- MANER District- Patna

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Kallu Singh @ Nishant Kumar Son of Late Phalindra Singh R/O Vill.-  
Chhitnawan, P.S.- Maner, Dist.- Patna. ... .. Petitioner/s

Versus

1. The State of Bihar.
2. Chinta Kumari Daughter of Sirdev Chauhan R/O Vill.- Charnapar, P.S.-  
Khidalsarai, Dist.- Gaya, At Present Working, Hach Brick Kiln Chhitnawan,  
P.S.- Maner, Dist.- Patna.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Satish Chandra, Advocate

For the Opposite Party/s : Mr.Binay Krishna, Spl. PP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

10    11-08-2025                      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 Spl.  
  
POCSO Case No. 47/2024 (arising out of Maner P.S. Case  
No. 71/2024), registered for the offence under Sections 323,  
341, 354, 504, 506/34 of the Indian Penal Code and Section  
3/7 of the POCSO Act as well as Sections 3(i)(r)(s)(w) of the  
SC/ST (Prevention of Atrocities) Act.

3. The accused/petitioner is named in the F.I.R. and  
  
is in custody since 24.04.2024.

4. The allegation against petitioner is of outraging



the modesty of the informant. The informant was also sexually assaulted by the petitioner and other co-accused persons, who is the member of scheduled caste community and was living with her family members in the residential campus of a brick kiln.

5. Learned Counsel appearing on behalf of the petitioner submitted that the allegation of non-penetrative sexual assault as alleged to be committed upon the informant is appearing very much general and omnibus against petitioner and petitioner implicated with present case out of neighbourhood disputes and differences alongwith other co-accused persons. It is submitted that the informant refused to join medical examination in support of allegation. It is also pointed out that till date not even a single prosecution witness was examined during the trial. While concluding the argument, 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.

6. Learned APP while opposing the prayer of bail



submitted that the statement of the victim/informant was recorded under Section 183 of the BNSS, where she categorically affirmed the allegation of sexual assault against the petitioner and also other co-accused persons.

7. Considering the custody period, stage of trial was called for, which made available to this Court through letter no. 198 dated 26.07.2025 by Additional Sessions Judge-VII-cum-Exclusive Special Judge (POCSO), Patna.

8. From perusal of aforesaid report, it appears that the cognizance against this petitioner was taken on 5<sup>th</sup> of September, 2024, whereas charge was framed on 17.10.2024. It also transpires from the aforesaid report that no any prosecution witness has been examined till now.

9. Considering the aforesaid factual aspects as the victim/informant was not examined within one month of taking cognizance, in view of Section 35(1) of the POCSO Act, where the trial is also not likely to conclude within prescribed time period of one year from the date of cognizance in view of Section 35(2) of the POCSO Act and further it is not likely to conclude even in near future,



accordingly, petitioner above named, who is in custody since 24.04.2025 is directed to be released on bail in connection with Spl. POCSO Case No. 47/2024 (arising out of Maner P.S. Case No. 71/2024), on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-VIIth-cum-Special Judge (POCSO), Patna/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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