

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62895 of 2025

Arising Out of PS. Case No.-85 Year-2024 Thana- MORKAHI District- Khagaria

Md. Mister, S/o Md. Ishaq, R/o Village-Bachchauta, Ward No. 4, P.S.-
Markahi, District- Khagaria

... .. Petitioner

Versus

1. The State of Bihar
2. Afsana Khatoon, W/o Md. Israil, R/o Village-Bachchauta, Ward No. 3, P.S.-
Morkahi, District- Khagaria

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-11-2025 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection

with POCSO Case No.29 of 2025 arising out of Morkahi P.S.

Case No.85 of 2024 registered for the offences punishable

under Sections 341, 323, 354-B, 376 read with 34 of the

Indian Penal Code (in short ‘IPC’) and Section 4 of the

Protection of Children from Sexual Offences Act (in short

‘POCSO Act’).

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

is in custody since 01.03.2025.

4. The present FIR is based upon Complaint Case



No.25 of 2024 dated 11.06.2024, wherein allegation of penetrative sexual assault/rape was raised against petitioner, which alleged to be committed upon her minor daughter aged about 16 years.

5. It is submitted by learned counsel appearing for petitioner that the father of informant pressurizing the father of this petitioner to solemnize the marriage of petitioner with his daughter and for the same, the petitioner filed an informatory petition in view of Section 39 of Code of Criminal Procedure (in short 'CrPC') before S.D.J.M., Khagaria, which was already registered as Informatory Petition No.955/2023. It is submitted that finding no way, the shelter of false implication was taken by the father of the alleged victim. It is pointed out that even as per complaint, the present occurrence took place on 03.06.2024, whereas same was filed on 11.06.2024 before learned Special Court, POCSO, Khagaria. It is also submitted that nothing incriminating surfaced during medical examination of victim.

6. Arguing further, it is submitted that investigation of this case is already completed, for which, charge-sheet has



been submitted and, as such, there is no chance of tampering with the evidence and moreover despite custody of more than seven months, even charge could not framed in this case and, therefore, the examination of victim within preferred timeline as available under Section 35(1) of the POCSO Act and further to conclude the trial within preferred timeline of one year in view of Section 35(2) of the POCSO Act appears a remote aspect.

7. Learned APP while opposing the prayer of bail submitted that the specific allegation of committing penetrative sexual assault is available against this petitioner.

8. In view of aforesaid factual submissions and by taking note of overall accusation as raised through complaint petition, which subsequently, becomes basis of FIR, as discussed aforesaid, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 01.03.2025, 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 Special



Judge POCSO Act, Khagaria in connection with POCSO Case No.29 of 2025 arising out of Morkahi P.S. Case No.85 of 2024, subject to the conditions as laid down under Section 437(3) of the CrPC/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

Sanjeet/-

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