

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64436 of 2025

Arising Out of PS. Case No.-71 Year-2025 Thana- JOGAPATTI District- West Champaran

Brijesh Kumar @ Nilesh Kumar @ Nitesh Kumar S/o Paltan Yadav R/o
Village - Nawka Tola, Bdgam, P.S - Bagaha, District - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. X (Imaginary name of informant/ Father of the Victim) S/o Bhutkun Sharma
R/o Village - Baluwa Parenwa, P.S - Yogapatti, District - West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mrs.Pronoti Singh, APP
For the Informant	:	Mr.Satyam Kr. Ojha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-11-2025 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

Yogapatti P.S. Case No. 71 of 2025 registered for the offences

under Sections 137(2), 96 of the Bhartiya Nyay Sanhita, 2023

(in short, the 'B.N.S.') and section 4 & 6 of POCSO Act.

3. The accused/petitioner is named in the First

Information Report and is in custody since 15.05.2025.

4. Allegation against the petitioner is to commit

penetrative sexual assault upon minor daughter of the informant

aged about about 16 years.



5. It is submitted by learned counsel appearing on behalf of the petitioner that after solemnization of marriage of victim with petitioner, certain dispute surfaced between the parties out of which taking advantage of age of the victim, present case under POCSO Act, was registered. It is pointed out that in terms of statement of victim recorded under section 180 and 183 of the B.N.S.S., after solemnization of marriage with petitioner, she is living happily with the petitioner and her in-laws. It is pointed out that despite of custody of petitioner for about six months, not even a single prosecution witness was examined including victim which is complete defiance of section 35(1) of POCSO Act. Petitioner claimed clean antecedent.

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

7. Mr. Satyam Kumar Ojha, Learned counsel appearing for the informant, supported the factum of marriage between the parties as submitted aforesaid and also submitted that the victim daughter of informant is residing happily with petitioner (husband) and her in-laws.

8. In view of aforesaid factual submission and by taking note overall accusation as discussed aforesaid, coupled



with the fact that not even a single prosecution witness was examined before the learned trial court despite custody of six months of petitioner as he remains in custody since 15.05.2025, which appears in defiance of legal provision as available under section 35(1) 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 & Additional Sessions Judge - 6th-cum-Special Judge (POCSO), Bettiah, West Champaran/concerned court, in connection with Yogapatti P.S. Case No. 71 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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