

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65032 of 2025

Arising Out of PS. Case No.-57 Year-2023 Thana- DIDARGANJ District- Patna

=====

Shailesh Kumar S/o- Giraja Prasad Yadav Resident of Village- Redi
Parwalpur PS- Hilsa Dist-Nalanda. Petitioner/s

Versus

1. The State of Bihar.
 2. Saroj Devi W/o- Rampati Prasad R/o village- Dayalpur Ps- Hilsa Dist-
Nalanda. Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate
Mr. Arun Kumar, Advocate
Ms. Archana Anand, Advocate
For the Opposite Party/s : Mr.Ahmad Ali, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 03-12-2025 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

Didarganj P.S. Case No. 57 of 2023 registered for the offence

under Sections 363, 365 of the Indian Penal Code and

Sections 366-A, 376 of the Indian Penal Code and 4/6 of

POCSO Act.

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

is in custody since 17.03.2024.

4. As per FIR, the petitioner who is cousin son-in-

law of the informant kidnapped his minor daughter aged

about 13 years and also the minor granddaughter aged about



6 years, whereafter both of the victims were taken to Jhargram to the house of maternal uncle of the petitioner, where it is alleged that this petitioner committed rape upon daughter of the informant.

5. Learned counsel appearing on behalf of the petitioner submitted that out of certain disputes arising out of relations as petitioner is cousin son-in-law of the informant, the present false case was lodged. It is submitted that within 72 hours of the alleged occurrence victim was examined by doctor but no such injury as alleged was noticed upon her body part including private part. It is pointed out that as per FIR and also as per statement of the victim, the minor girl daughter was altogether with victim but her statement was not recorded during investigation. Admittedly, another minor victim was not examined medically, particularly in view of statement that her entire face was burnt by petitioner using cigarette, making a serious doubt *qua* allegation.

6. Arguing further, it is submitted by learned counsel that petitioner is in custody for about one year and nine months i.e. since 17.03.2024, whereas in this matter the



cognizance was taken on 05.07.2024 and, thereafter, single witness i.e. PW-1, victim could examine only on 03.09.2025, whereafter there is no progress in trial. It is submitted that provisioned time line as to conclude the trial in POCSO Act is also of one year from the date of cognizance in view of Section 35(2) of the POCSO Act, which appears crossed long back.

7. Learned APP opposed the prayer of bail.

8. Mr. Ravi Shankar Pankaj, learned counsel appearing for the informant, while opposing the prayer of bail submitted that the allegation is specific against this petitioner as to commit the penetrative sexual assault upon minor daughter of the informant but he could not disputed the custody period and slow progress of trial.

9. Considering the aforesaid factual submissions and by taking note of fact as petitioner remains in custody since 17.03.2024, whereas till now only one prosecution witness i.e. victim being PW-1 was examined by the learned trial court, suggesting that trial is not likely to conclude in near future, whereas the time as to complete the trial as



provisioned under Section 35(2) of the POCSO Act, appears already crossed long back, accordingly, petitioner above named, is directed to be released on bail in connection with Didarganj P.S. Case No. 57 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-7th-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)

veena/-

U		T	
---	--	---	--

