

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74453 of 2024

Arising Out of PS. Case No.-581 Year-2023 Thana- SAHEBGANJ District- Muzaffarpur

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Dhanoj Kumar Son of Babulal Ram, Resident of Village- Digwara, Ambedkar
Chowk, P.S.- Dighwara, District- Saran (Chhapra). Petitioner/s
Versus

1. The State of Bihar.
 2. Md. Nezamuddin S/o- Late Daud R/o- Village- Meenapur Ps- Rajepur Op
Dist- Muzaffarpur
 3. Kaniz Fatima D/O Md. Nezamuddin R/O Vill.- Meenapur P.S.- Rajepur
Dist.- Muzaffarpur
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prem Kumar Paswan, Advocate
For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

11 18-09-2025 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
Sahebganj P.S. Case No. 581/2023, registered for the
offence under Sections 363, 366(A) of the Indian Penal
Code.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 03.01.2024.

4. The allegation against the petitioner is to
kidnap the minor daughter of the informant aged
about 17 years, for the purpose of illicit
intercourse/marriage with another person.

5. Learned counsel appearing on behalf of the
petitioner submitted that after the recovery, the



statement of victim was recorded under Section 161 of the Cr.P.C., where she not even named this petitioner and said that she went to home of her matrimonial uncle out of her own sweet will, she did not even mentioned anything regarding sexual assault, whereas she specifically alleged against this petitioner as to commit sexual assault upon her, while recording her statement under Section 164 of the Cr.P.C. under tutoring of her parents. It is submitted that the victim refused to join medical examination and, therefore, the corroborating evidence is also not available in present case. Arguing further, it is submitted that the victim already examined before the learned trial court but still this matter is pending for the examination of rest of the prosecution witnesses, despite of the fact that petitioner remains in custody for about one year and ten months. It is pointed out that the preferred time line as to conclude the trial within the meaning of Section 35(2) of POCSO Act already crossed much earlier and, therefore, on this ground alone petitioner deserves bail, who is a man of clean antecedent.

6. Learned APP while opposing the prayer of bail submitted that the allegation of penetrative sexual assault is available against this petitioner as per



statement of victim recorded under Section 164 of Cr.P.C.

7. It is further submitted by learned APP that the notice to the informant in terms of court's order dated 03.09.2025 already served upon the informant through concerned SHO. Service report was submitted across the board, which was taken on record. Despite of service of notice, the informant failed to join present proceedings.

8. Considering the aforesaid factual submissions and by taking note of fact as statement of victim *qua* crime in question appears contradictory in view of her statement recorded under Section 161 and Section 164 of Cr.P.C., coupled with the fact that despite custody of one year and ten months, the trial of this case was not concluded within preferred time line, accordingly, petitioner above named, is directed to be released on bail in connection with Sahebganj P.S. Case No. 581/2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, (West), Muzaffarpur/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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