

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67692 of 2025

Arising Out of PS. Case No.-3 Year-2025 Thana- MAHILA PS District- Buxar

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Pawan Pandey S/O Dhanjee Pandey R/o Vill.- Mahdah, P.S.- Buxar (M),
Dist.- Buxar, at present R/O Vill./Mohalla- Double Tower Gali, Chakbandi
Office, Chini Maul, Buxar (T), District - Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. X D/O Y R/O Vill.- Z, the SHO, Mahila Police Station, Buxar, P.S.- Buxar
Mahila P.S., Dist.- Buxar, in connection with Buxar Mahila P.S. Case No.
03/2025

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Alias Ashok Karn, Adv.
For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 10-12-2025 Heard Mr. Ashok Kumar, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP for the

State.

2. Petitioner seeks regular bail in connection with

Buxar Mahila P.S. Case No. 03 of 2025 dated 16.01.2025

registered for the offence punishable under section 75 of BNS

and Sections 8 and 6 of the Protection of children from Sexual

Offences Act, 2012 (POCSO) Act.

3. The main submissions advanced by petitioner's

counsel are that the petitioner is a 20 years old person, presently

pursuing course of Bachelor of Arts and has been languishing in

jail since 17.01.2025 having fair and clean antecedent though



the informant's daughter who is said to be the victim made allegation against the petitioner before the investigating officer under Section 180 of BNSS and before the Magistrate under Section 183 of the BNSS but during the trial, she denied even to recognize the petitioner and deposed that nothing had happened with her accordingly she was declared hostile and the same evidence was given by the victim's father and other relatives who were also declared hostile. It is further submitted that as the material witnesses of the prosecution have been examined so, release of the petitioner on bail at this stage will not effect the prosecution in any manner and keeping the petitioner behind the bar will adversely affect his educational career.

4. No one is present on behalf of the informant despite the Sub Inspector of the concerned Police Station having received notice personally on behalf of the O.P. No. 2.

5. Learned APP for the State has opposed the prayer of the petitioner but fairly accepts that the material witnesses of the prosecution went hostile before the trial court.

6. Heard both the sides and perused the relevant materials. Though against the petitioner there is serious allegation but considering the contradictory statements of the



main witnesses of the prosecution as mentioned above and mainly coupled with the petitioner’s young age and his custody period at this stage this court is inclined to release the petitioner on bail. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the court concerned in connection with Buxar Mahila P.S. Case No. 03 of 2025.

(Shailendra Singh, J)

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