

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72744 of 2025

Arising Out of PS. Case No.-246 Year-2023 Thana- KOCHADHAMAN District- Kishanganj

Suraj Kumar Baitha S/o Shyam Lal Baitha R/o Village - Kajlamani Hat, P.S -
Kochadhaman, District – Kishanganj. Petitioner/s

Versus

1. The State of Bihar.
2. XYZ D/o Md. Subhan, R/o Village - Ahmad Nagar Jhantibari, Ward No. 15,
P.S - Kochadhaman, District – Kishanganj. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-11-2025 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
Kochadhaman P.S. Case No. 246/2023 giving rise to
POCSO Case No. 02/2024 registered for the offence
under Sections 341, 323, 504, 506, 420, 376/34 of the
Indian Penal Code and Sections 4 and 6 of Protection of
Children from Sexual Offence.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 06.11.2023.

4. As per FIR, petitioner who is Hindu by
religion introducing himself as a Muslim eloped the
minor daughter of the informant and established
physical relationship with her, out of which she



became pregnant. The daughter of the informant was minor at the time of occurrence.

5. Learned counsel appearing on behalf of the petitioner submitted that out of 12 prosecution witnesses, only 08 prosecution witnesses examined till now, despite the fact that petitioner remains in custody since 06.11.2023 i.e. about two years, which is in complete defiance of time line as provisioned under Section 35(2) of the POCSO Act. While concluding the argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence and, moreover, petitioner is a man of clean antecedent.

6. Learned APP opposed the prayer of bail.

7. Considering the aforesaid factual submissions and by taking note of fact as trial of this case is not likely to conclude in near future, where time line as preferred under Section 35(2) of the POCSO Act already appears crossed, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 06.11.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Kochadhaman P.S.



Case No. 246/2023 giving rise to POCSO Case No. 02/2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, (POCS), Kishanganj/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS, with further condition that:-

Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J)

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