

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82634 of 2024

Arising Out of PS. Case No.-132 Year-2024 Thana- KARJA District- Muzaffarpur

Chhotu Kumar @ Tenu Kumar Son of Lakshman Manjhi Resident of Village -
Narhar Sarayn, P.S. - Karja, District - Muzaffarpur, Bihar. Petitioner/s
Versus

- 1. The State of Bihar.
 - 2. Sumitra Devi W/O Moti Manjhi R/O Village- Narhar Sarayan, P.S- Karja,
Distt.- Muzaffarpur, Bihar.
- Opposite Party/s

Appearance :
For the Petitioner/s : Mr.Indrajeet Bhushan, Advocate
Mr. Manish Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh, No. 1

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

11 02-12-2025 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 Karja P.S.
Case No. 132 of 2024 registered for the offence under Section
376 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 08.06.2024.

4. As per FIR, the petitioner established physical
relationship with daughter of the informant aged about 18 years
on false pretext of marriage and out of said physical relationship,
the daughter of the informant becomes pregnant.

5. Learned counsel appearing on behalf of the petitioner
submitted that admittedly as per FIR, the age of daughter of the



informant disclosed as 18 years and merely on the basis of the suspicion that she was in relationship with petitioner since eight months before lodging of present FIR, the charge-sheet was submitted under POCSO Act, which is not convincing. While concluding 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. Petitioner claimed clean antecedent.

6. Learned APP while opposing the prayer of bail submitted that admittedly out of physical relationship, the victim who at the time of occurrence was minor, gave birth to a girl child. It is submitted that initially petitioner refused to solemnize marriage with daughter of the informant now he is also claiming for DNA test without any reason. Learned APP further submitted that progress of trial of this case is satisfactory that out of eight charge-sheeted witnesses, four witnesses have already examined by the learned trial court.

7. Considering the aforesaid factual submissions and by taking note of fact as the progress of trial is satisfactory as per report of learned trial court dated 13.11.2025 as made available to this Court through letter no. 379 as out of eight charge-sheeted witnesses, four witnesses have already been examined, coupled



with the fact that charge-sheet in this matter submitted under POCSO Act with allegation of aggravated penetrative sexual assault, accordingly prayer of bail of the petitioner stands rejected herewith for the present.

8. As petitioner remains in custody since 08.06.2024, the learned trial court is directed to conclude the trial preferably within one year, from the date of cognizance as provisioned under Section 35(2) of the POCSO Act.

9. Let copy of this order be sent to S.S.P., Muzaffarpur to ensure the presence of remaining prosecution witnesses before the Special POCSO Court for their examination preferably within two months as of now.

(Chandra Shekhar Jha, J)

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