

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81438 of 2024

Arising Out of PS. Case No.-291 Year-2019 Thana- ARWAL District- Jehanabad

Sunil Kumar @ Sunil Paswan @ Snil Paswan Son of Binod Paswan @
Birodhi Paswan R/O Vill.- Mahadeo, P.S.- Obra, Dist.- Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Father Of Victim Son of Lalan Paswan Village- Bariawan PS- Konch District- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Prasad Singh, Sr. Adv. Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s	:	Mr. Md. Shakir Ahmad, APP
For the Informant	:	Mr. Jagarnath Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 30-07-2025 Heard the parties.

2. The petitioner seeks bail in connection with Arwal P.S. Case No. 291 of 2019 registered for the offence under Sections 366(A), 376, 372, 341, 342 of the I.P.C. and Section 4/8 of POCSO Act.

3. The petitioner is named in the F.I.R. and is in custody since 21.09.2025.

4. The allegation against the petitioner is to kidnap the minor daughter of the informant who found traceless since



25.08.2019.

5. Mr. Krishna Prasad Singh learned senior counsel appearing on behalf of the petitioner submitted that after recovery statement of victim was recorded under Section 183 of BNSS, where she narrated different story negating allegation of kidnapping and sexual assault that petitioner tried to sell her, when they were together at Janakpur Dham. It is submitted that nothing appears out of medical examination of victim which suggests *prima-facie* that rape/ penetrative sexual assault was committed upon her and therefore implications of petitioner for such offences appears non-convincing. It is also pointed out by Mr. Singh, that upon radiological examination age of victim was found between age group of 16-18 years and if benefit of marginal error of ± 2 years be given as per legal report of Hon'ble Supreme Court available through of ***Rajak Mohammad Vs. State of Himachal***



Pradesh, reported in **(2018) 9 SCC 248** then certainly, on the date of occurrence victim can be said major. While concluding the argument, it is submitted that petitioner remain in custody since 21.09.2024, despite of same not even single witness was examined in this case, where charge already framed on 14.11.2024, defeating the mandate of speedy trial as available under Section 35(2) of POCSO Act itself. Mr. Singh further submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by Mr. Jaganath Singh, learned counsel appearing for the informant while opposing the prayer of bail submitted that allegation is specific against petitioner as to sell the minor daughter of the informant, however, he could not disputed injury report of victim as discussed aforesaid.



7. In view of aforesaid factual and legal submission and by taking note of fact as statement of victim as recorded under Section 183 of BNSS, *prima-facie* failed to suggest allegation of kidnapping and sexual assault as raised against this petitioner, coupled with fact that petitioner remains in custody since 21.09.2024, accordingly petitioner above named, is directed to be released on bail in connection with Arwal P.S. Case No. 291 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge VI cum Special Judge (POCSO) Act, Jehanabad /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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