

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.86082 of 2024**

Arising Out of PS. Case No.-51 Year-2023 Thana- EKCHARI District- Bhagalpur

Bahiru Rajak @ Bahru Rajak Son of Baldev Rajak Village- Bari Mohanpur  
PS- Ekchari District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sheela Devi W/O Mahendra Mandal R/O Vill.- Bari Mohanpur, P.S.-  
Ekchari, Dist.- Bhagalpur.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Atul Kumar, Adv.

For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

5      03-11-2025                      Heard the parties.

2. The petitioner seeks bail in connection with  
Ekchari P.S. Case No. 51 of 2023 registered for the offence  
under Sections 376 and 511 of the I.P.C. and Section 8 of  
POCSO Act.

3. The petitioner is named in the F.I.R. and is in  
custody since 24.04.2024.

4. The allegation against the petitioner is to commit  
sexual assault ( non-penetrative) upon the daughter of the  
informant aged about 10 years while she was working in field.

5. Learned counsel appearing on behalf of the



petitioner submitted that petitioner who is 63 years old falsely implicated with present case due to neighborhood dispute and differences. It is pointed out that despite custody of petitioner for more than one and a half year as he remains in custody since 24.04.2024 trial of this case is still pending which is in complete defiance of provisions of Section 35(2) of POCSO Act.

6. Learned APP duly assisted by Mr. Ravindra Kumar learned counsel for the informant while opposing the prayer of bail submitted that allegation of sexual assault is specifically available against this petitioner.

7. In view of aforesaid factual submission and by taking note of fact the nature of accusation in totality, where petitioner remains in custody for more than one and a half year, where trial of this case is not likely to be concluded in near future appears defeating the preferred timeline of one year as available under section 35(2) of the POCSO Act, accordingly petitioner above named, is directed to be released on bail in connection with Ekchari P.S. Case No. 51 of 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 Addl. District and Sessions Judge 7<sup>th</sup> cum Special Judge POCSO Act, Bhagalpur /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS, subject to condition that:-

*(I) That 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)**

Sudha/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

