

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83058 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- Cyber P.S. District- Jehanabad

Akshay Kumar @ Chandan Kumar Son of Jay Kumar Resident of Mohalla-
Dhangawan, P.S.- Jehanabad, District- Jehanabad, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saneha Bharti F/O- Manoj Kumar R/O- Mishrabigha, Pos.- Saidabaad, P.S.-
Kako, Distt.- Jahanabad, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Adv
	:	Mr. Salaj Kr. Rai, Adv
For the Opposite Party/s	:	Mr. Mritunjay Kumar Nirala, APP
For the Informant	:	Mr. Abhishek Anand, Adv
	:	Mr. Shubhankar Raj, Adv
	:	Mr. Sadiq Hasnain, Adv
	:	Ms. Megha Vidhyarthi, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

12 15-09-2025 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 Special

POCSO Case No. 57 of 2024 arising out of Jehanabad (Cyber)

P.S. Case No. 30 of 2024 registered for the offences under

Sections 354, 354(A), 354(C), 376, 506 and 509 of the IPC,

Sections 6,10 and 12 of the POCSO Act and Sections 67, 67(B)

and 66(E) of the I.T. Act.

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

since 10.05.2024.

4. As per FIR petitioner established physical

relationship for two long years with informant prior to lodging FIR,

who is now major about 18 years and also alleged to made their

intimate video viral through fake ID.



5. Mr. Y.C. Verma, learned senior counsel appearing on behalf of the petitioner submitted that for any of the social reasons when marriage between informant/victim and petitioner could not solemnize, the present false implication was raised under the garb of allegation of sexual assault. It is submitted that informant/victim was found major as per date of birth on the date of lodging FIR. It is submitted that allegation for continuously establishing physical relation for last two years of lodging this FIR was only to import rigors of POCSO Act. It is submitted that informant/victim was the student of second year of graduation, whereas petitioner was her tutor.

6. Arguing further Mr. Verma, submitted that despite remaining in custody for more than one year, even victim was not examined in view of Section 35(1) of the POCSO Act, therefore, conclusion of trial in view of Section 35(2) of the POCSO Act within preferred time line of one year is a remote aspect. While concluding the argument it is submitted that, petitioner is a man of clean antecedent and moreover, investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.

7. Learned APP duly assisted by learned counsel appearing on behalf of informant, while opposing the prayer for



bail submitted that allegation to commit sexual assault is specific against this petitioner, which was established on false pretext of marriage.

8. In view of aforesaid factual submission and by taking note of fact as allegation primarily appears to be raised in the background of false pretext of marriage, where on the date of lodging of FIR informant/victim was found major, coupled with the fact as victim could not even examined within the timeline in view of Section 35(1) of the POCSO Act, where preferred time line as to conclude trial within one year appears a remote aspect, accordingly petitioner, who is in custody since 10.05.2024 is directed to be released on bail in connection with Special POCSO Case No. 57 of 2024 arising out of Jehanabad (Cyber) P.S. Case No. 30 of 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 Additional Sessions Judge-VI cum Special Judge (POCSO) Act, Jehanabad/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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