

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90137 of 2024

Arising Out of PS. Case No.-82 Year-2018 Thana- RAJAPAKAR District- Vaishali

Sanjay Rajak Son of Late Dinesh Rajak Resident of Village - Sultanpur,
Police Station - Mohiuddin Nagar, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi Wife of Pramod Mahto Resident of Village - Ahiyahi, Police
Station - Raja Pakar, District - Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar

For the Opposite Party/s : Mr. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

8 19-08-2025 Heard the parties.

2. It is submitted by learned counsel for the petitioner, that occurrence is of year 2018, for which the statement of victim recorded in the year 2023 and for long 5 years victim continued to live with petitioner as wife and in meantime gave birth to two children.

3. It is pointed out that only after raising incriminating statement through her statement recorded under section 164 of Cr.P.C., petitioner was taken into custody on 27.02.2024 and was released provisionally on 28.05.2025 to explore the possibility of compromise.

4. The matter was also referred to mediation



center of Patna High Court by learned Co-ordinate Bench of this Court, where in-spite of best and sincere efforts dispute between the parties could not resolve through process of mediation.

5. It also transpires that cognizance in this matter was taken only on 15.05.2025 and till date not even a single witness was examined by learned trial court, including victim defeating provision of Section 35(1) of POCSO Act.

6. Considering the aforesaid peculiar circumstances as discussed aforesaid, the provisional bail as granted to this petitioner vide order dated 28.05.2025 is hereby confirmed with same bailor and bonds.

7. In view of aforesaid, present petition stands disposed of.

(Chandra Shekhar Jha, J)

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