

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3779 of 2026

Arising Out of PS. Case No.-67 Year-2025 Thana- GURUA District- Gaya

Vikash Kumar S/o Rajesh Manjhi @ Rajesh Bhuiya R/o Village-
Shamsherkhap, PS- Amas, Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Yashoda Devi W/o Ramashrey Manjhi R/o vill - Tamarua, P.S.- Gurua,
Distt.- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mahendra Thakur, Advocate
For the State	:	Mr. Shyameshwar Dayal, APP
For the O.P. No.2	:	Mr. Ram Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-07-2026 Learned Counsel for the petitioner, learned Counsel
for the State and learned Counsel for the informant are present.

2. The petitioner seeks regular bail in connection with
Gurua P.S. Case No. 67/2025, lodged on 14.02.2025 under
Sections 65(2), 62, 109 of Bharatiya Nyaya Sanhita, 2023 and
Sections 8 and 12 of Protection of Children from Sexual
Offences Act, 2012.

3. As per the prosecution, it is alleged that the
petitioner tried to commit sexual assault upon the minor
daughter of the informant aged about six years.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. It is further
submitted that the petitioner has a clean antecedent. Learned



counsel contends that no offence of rape has been committed and, therefore, the ingredients of Section 65(2) of the Bharatiya Nyaya Sanhita, 2023 are not attracted. It is also submitted that the ingredients of Section 109 of the B.N.S., 2023 are not made out. According to the learned counsel, at the highest, the allegations may attract Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, under which the maximum prescribed punishment is three years. It is submitted that the petitioner has already remained in judicial custody for more than one year and five months, having been in custody since 15.02.2025.

5. Upon a specific query made by this Court regarding the date on which cognizance was taken and whether charges have been framed, learned counsel for the petitioner submits that he is not in a position to furnish the said particulars.

6. Learned counsel appearing for the informant vehemently opposes the prayer for bail and submits that the allegations attract Section 62 of the Bharatiya Nyaya Sanhita, 2023 and, therefore, the petitioner does not deserve the privilege of bail.

7. Learned counsel for the State also opposes the prayer for bail. However, he fairly submits that, in terms of



Section 35 of the Protection of Children from Sexual Offences Act, 2012, the trial is required to be completed, as far as possible, within one year from the date of taking cognizance of the offence.

8. In the aforesaid background, this Court directs the learned Trial Court to verify whether cognizance of the offence has been taken and whether a period of one year has elapsed from the date of such cognizance. If it is found that one year has already elapsed from the date of taking cognizance, the petitioner shall be released on bail forthwith on furnishing bail bonds. However, if one year has not yet elapsed, the petitioner shall be released on bail upon completion of one year from the date of taking cognizance, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, POCSO cum Additional Sessions Judge VII, Gaya Ji, in connection with Gurua P.S. Case No. 67/2025, subject to the conditions as laid down U/s 480(3) of the B.N.S.S., 2023

9. With this direction, the present application stands disposed off.

(Dr. Anshuman, J)

Manshi/Ashwini

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