

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10733 of 2026

Arising Out of PS. Case No.-29 Year-2025 Thana- SURSAND District- Sitamarhi

Md. Tausif Khan, S/O Wasirul Khan, Resident Of Village- Kumma Ward No. 03, P.s.- Sursand, Dist.- Sitamarhi

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. xxxx W/O yyyy Resident Of Village- Kumma Nuri Tola Ward No. 07, P.S.- Sursand, Dist.- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate
For the Opposite Party/s : Mr.Raj Kishor Singh, APP
Mr. Ratan Raj, Advocate
Mr. Krishna Prabhat, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 03-04-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the opposite party no.2.

2. In the present case, the petitioner seeks bail in connection with Trial No. 299 of 2025, arising out of Sursand P.S. Case No. 29 of 2025, registered for the alleged offences under Sections 126(2), 115(2), 64(1), 352, 351(2), 3(5) of BNS and Section 4 of POCSO Act.

3. As per the prosecution case, the petitioner committed rape with the minor daughter of the informant and when the informant and her husband apprised the parents of the petitioner, the petitioner and his family members assaulted the informant and her husband.



4. The learned counsel for the petitioner submits that this is the second attempt of the petitioner to seek bail from this Court. Earlier, the prayer for bail of the petitioner was rejected vide order dated 15.10.2025 passed in Cr. Misc. No. 47737 of 2025. The learned counsel further submits that the petitioner is in custody since 21.01.2025, but till date, only four prosecution witnesses have been examined. So, there is no likelihood of early conclusion of trial.

5. The learned APP vehemently opposes the submission made on behalf of the petitioner. The learned APP submits that no fresh ground has been brought on record for reconsideration of prayer of bail and the period of custody could not be a ground.

6. A report dated 24.03.2026 has been received from the learned trial court about the present stage of trial wherein the learned trial court has submitted that altogether four prosecution witnesses have been examined including the informant and the matter remains pending for examination of official witnesses. The learned trial court prayed for grant of time of six months for disposal of the trial pending before it.

7. Having regard to the facts and circumstances and submission made on behalf of the parties, I do not find any new



ground to reconsider the prayer for bail of the petitioner. Hence, his prayer for grant of bail is rejected.

8. However, the learned trial court is reminded about the mandate of the POCSO Act regarding the stipulated time period for conclusion of trial.

9. At the same time, the Superintendent of Police, Sitamarhi is directed to ensure the presence of remaining prosecution witnesses on the dates fixed before the learned trial court. In case, the Superintendent of Police fails to produce the witnesses on the dates fixed, he will be called before this Court to explain the circumstances.

(Arun Kumar Jha, J)

V.K.Pandey/-

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