

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26951 of 2026

Arising Out of PS. Case No.-64 Year-2024 Thana- BAHERI District- Darbhanga

Laxmi Sada S/o Lal Bachan Sada Resident of Village- Sundarban, Dhanauli,
P.S.- Baheri, District- Darbhanga, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. X W/o Y Resident of Village- Sundarban, Dhanauli, P.S.- Baheri, District- Darbhanga, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kanchan Jha, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-05-2026 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. This is the second attempt made on behalf of the petitioner, as earlier the prayer for regular bail of the petitioner in connection with Baheri P.S. Case No. 64 of 2024, (POCSO G.R. Case No. 46 of 2024) registered for the offence punishable under Sections 376(3) of the Indian Penal Code and Section 4 of the POCSO Act came to be rejected vide order dated 20.11.2024.

3. Learned Advocate for the petitioner taking this Court through the earlier order dated 20.11.2024, the copy of which is marked as Annexure-1 to the bail application,



submitted that the petitioner was extended the liberty to renew his prayer for bail, after framing of the charge. Referring to Annexure-6 to the bail application, it is submitted that now the charges have already been framed long back on 02.01.2025 and more than a year has lapsed, though the trial has not been concluded and thus, contrary to the mandate of Section 35(2) of the Protection of Children from Sexual Offences Act, 2012 (in short 'POCSO Act') which states that "*The Special Court shall complete the trial, as far as possible, within a period of one year from the date of taking cognizance of the offence.*" Besides the aforesaid fact, she further submitted that, till date, out of 7 witnesses, only 4 witness have been examined and there is no likelihood of the conclusion of the trial, in near future.

4. On the other hand, learned APP for the State vehemently opposes the bail application and submits that there is serious allegation against the petitioner of causing rape upon the victim girl.

5. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the observations made by this Court on the last occasion on 20.11.2024, besides the fact that more than a year has been lapsed from the date of framing of the charge till date, trial has



not been concluded as also certain discrepancies, which were noted while passing the last order, due to which the petitioner was extended the liberty to renew his prayer of bail, after framing of the charge, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (POCSO), Darbhanga in connection with Baheri P.S. Case No. 64 of 2024, (POCSO G.R. Case No. 46 of 2024), subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will be liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found



that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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