

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31177 of 2025

Arising Out of PS. Case No.-78 Year-2024 Thana- SAHAYAK NAGAR District- Katihar

Shailesh Kumar @ Sahilesh Kumar S/O Shyama Charan Vidyarthi R/O Milki
Chak, P.s.- Naya Ram Nagar, Dist.- Munger.

... .. Petitioner

Versus

1. The State of Bihar
2. 'X'

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Madan Mohan, Advocate
For the Opposite Party-State: Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

2 09-04-2026 The present application has been filed seeking quashing of the order dated 30.01.2025 passed by the learned DASJ-VIth-cum-Spl. Judge, POCSO, Katihar, in connection with Town (Sahayak) P.S. Case No. 78 of 2024, registered under Sections 341, 323, 354(b), 504 and 506 of the Indian Penal Code (IPC) and Section 7 and 8 of Protection of Children from Sexual Offences Act (POCSO Act) as also seeking quashing of the First Information Report of Town (Sahayak) P.S. Case No. 78 of 2024.

2. The prosecution case, as alleged by the informant, is to the effect that on 08.02.2024, at around 04:00 PM, father of the informant, the petitioner herein, started knocking the door of the house forcefully and even tried to break the doors. It has been further alleged that the petitioner entered into the house



after breaking the door and thereafter jumped upon the informant, twisted the arms of the informant and snatched her mobile phone, threw her on bed and tore her clothes. It has been further alleged that the petitioner tried to sexually abuse the informant and tried to rape. It has been further alleged that when the informant raised alarm, the petitioner tried to run away, but then he held the informant's hair and also hit her by means of rod. The petitioner managed to escape away after seeing the local people.

3. Learned counsel for the petitioner has submitted that the petitioner is the father of the informant and by no stretch of imagination he would dare to harm his daughter. Further, the marriage between the petitioner and one Asha Roy, the parents of the victim girl, was solemnized on 02.02.2006 as per the Hindu rites and rituals. Thereafter, the petitioner and his family members had to face cruel behaviour at the hands of said Asha Roy, wife of the petitioner. The wife of the petitioner also used to be in touch with unknown persons and used to talk to them over phone and whenever the petitioner objected, the said Asha Roy got angry. It has been submitted that when this petitioner objected to the bad and cruel behaviour of his wife, then, in turn, she lodged FIR bearing Khagaul P.S. Case No. 21 of 2013,



whereafter the petitioner was arrested and was remanded into judicial custody. Learned counsel for the petitioner also submitted that the allegation is false and frivolous.

4. Learned counsel for the State vehemently opposed the prayer of the petitioner and submitted that the police after thorough investigation found the allegation true against the petitioner and accordingly charge-sheet was submitted against the petitioner under Sections 341, 323, 354(b), 504 and 506 of the IPC as well as under Section 7 and 8 of POCSO Act, whereupon the learned Special Court took cognizance against the petitioner and the same has been challenged before this Court by way of the present application.

5. Heard learned counsel for the petitioner and learned counsel for the State and perused the records.

6. The learned court below after submission of the charge-sheet against the petitioner has *prima facie* found the case true against the petitioner. The matter relates to POCSO Act, wherein the victim happens to be a minor girl. The allegation to the extent of attempt of rape coupled with the fact that the clothes of the victim were torn in the process and she could be saved only when local persons intervene.

7. Considering the facts and circumstances, the case



being under POCSO Act and the learned Special Court has *prima facie* found the case true against the petitioner, no interference, at this stage, is required.

8. The present application is devoid of merit and is accordingly dismissed.

(Praveen Kumar, J)

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