

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30728 of 2026

Arising Out of PS. Case No.-90 Year-2025 Thana- AAYAR District- Bhojpur

Prabhunath Singh @ Prabhunath Kumar S/o Late Praduman Singh R/o village
- Aami, P.S - Dighwara, District - Saran at Chapra then Posted at P. S - Aayar,
District - Bhojpur at Ara

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suresh Baitha S/o Late Budhan Baitha R/o vill and P.S.- Aayar Jagdishpur,
Distt.- Bhojpur at Ara

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhanesh Shankar Vidyarthi, Advocate
For the Opposite Party/s : Mr. Binay Krishna, SPL. APP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

2 07-07-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner has filed this application seeking quashing of the order dated 30.10.2025, passed by learned Special Judge, Exclusive POCSO Court-cum-ADJ-VI, Bhojpur, in connection with Aayar P.S. Case No. 90 of 2025, corresponding to POCSO Case No. 105 of 2025, whereby and whereunder cognizance has been taken against the petitioner under Sections 115(2), 126(2), 127(2) and 68(6) of the B.N.S., Sections 4 and 6 of POCSO Act and Section 3(2)(v) of the SC/ST Act.

3. As per the allegation, the petitioner, who happens to



be Sub-Inspector of Police, has committed unnatural offence with the son of the informant.

4. Learned counsel for the petitioner, referring to Annexure-2, the deposition of the informant, who came to be examined as PW-3, in the trial, submitted that the informant has not supported the prosecution's case and he has been declared hostile by the prosecution. It has further been submitted that the case is palpably false and no such occurrence took place and there is no injury report on record.

5. Learned counsel for the State opposed the prayer of the petitioner.

6. Heard the parties and perused the records.

7. The submission of the learned counsel for the petitioner is that trial has commenced, clearly goes to show that accusations have been explained to petitioner on the basis of which charges have been framed and the informant has been examined as PW-3 in the trial, moreover, the victim of the case is yet to be examined in the trial whereas, the prayer of the petitioner in this application is for quashing of the order taking cognizance.

8. Considering the entire facts and circumstances of the case and the allegation levelled against the petitioner and the



advance stage of the trial, in which, as per the own submission of the petitioner, three witnesses have been examined, this court is not inclined to interfere in the matter.

9. This application is devoid of merit and is accordingly dismissed.

(Praveen Kumar, J)

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