

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53976 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- ASANWA District- Siwan

Sanjay Mali S/o Kashi Mali @ Kashee R/o Village - Pachbeniya, P.S - Asaon,
District - Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. X, C/O Harichandra Rajbhar D/o Harichandra Rajbhar R/o village -
Pachbeniya, P.S - Asaon, District - Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Ayushi Gupta, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

10 17-03-2026 Despite of valid service of notice, no one appeared
on behalf of Opposite Party No.2.

2. Heard Ms. Ayushi Gupta, learned counsel for the
petitioner and Mr. Tarun Prasad Mandal, learned Additional
Public Prosecutor for the State.

3. Petitioner seeks bail who is in custody since
18.03.2025 in connection with Asaw P.S. Case No. 01 of 2025,
F.I.R. dated 01.01.2025 for the offences punishable under
Sections 70(2) of the Bharatiya Nyay Sanhita, 2023 and Section



4,8, 12 of the POCSO Act.

3. According to prosecution case, it is alleged that the petitioner along with other accused persons forcefully established physical relation with the informant and her sister when they both went outside for nature's call.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation levelled against the petitioner is false and fabricated. Although there is specific allegation against the petitioner and other co-accused persons that they have committed rape upon the victims and victims have supported the case of the prosecution in their statement recorded under Section 183 BNSS but the medical of the victims which was conducted on 02.10.2025 i.e. on the next date of the alleged occurrence does not support the allegation as alleged in the FIR. The opinion of the doctor is quoted hereinbelow:-

"1. Based on all above parameters bone age is between 15-17 yrs.

2. There is no any evidence suggestive of recent sexual activity.

3. She is not pregnant at the time of examination."

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.



6. Considering the aforesaid facts and circumstances, petitioner has clean antecedent and the medical report of the victims does not support the allegation against the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, POCSO, Siwan in connection with Asaw P.S. Case No. 01 of 2025, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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