

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69647 of 2025

Arising Out of PS. Case No.-55 Year-2024 Thana- MAHILA P.S. District- Purnia

Md. Eklakh @ Buchun @ Akhlakh, S/o Md. Abbas @ Md. Aswag, Resident
of Village-Champanagar, P.S.-Champanagar, District- Purnia
... .. Petitioner

Versus

- 1. The State of Bihar
- 2. XXX, W/O ZZZ R/o Jageli, P.S.- Srinagar, Dist.- Purnia (Informant of Mahila P.S.- Case No. 55/2024)

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-01-2026 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with

Special POCSO Case No. 21 of 2025 arising out of Mahila P.S.

Case No. 55 of 2024 registered for the offences under Sections

64 read with 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short,

the ‘B.N.S.’) and sections 4 and 6 of the POCSO Act.

3. The accused/petitioner is named in the First

Information Report and is in custody since 25.11.2024.

4. As per FIR, the minor daughter of the informant

aged about 16 years was kidnapped by the named co-accused

persons, where specific allegation of penetrative sexual

assault/rape is available against co-accused Shyam Kumar as



informed by the victim.

5. It is submitted by learned counsel appearing on behalf of the petitioner that during course of investigation after recovery, statement of the victim was recorded under section 183 of the B.N.S.S., where she has not taken the name of this petitioner and stated that it was the co-accused Shyam Kumar, who, after kidnapping, brought her at his government residence and committed penetrative sexual assault/rape upon her.

6. It is submitted that considering aforesaid statement of the victim, similarly situated co-accused person namely, Ankit Kumar @ Ankit Kumar Sah @ Bholu, was granted bail by one of the learned coordinate Bench of this Court through Cr. Misc. No. 27216/2025 dated 06.08.2025, and, therefore, considering parity, this petitioner also deserves bail.

7. While concluding argument, it is submitted that petitioner found involved in three more criminal cases, where he is on bail, and, moreover, investigation of this case is already completed and, as such, there is no chance of tampering with the evidence.

8. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.



9. In view of the aforesaid factual submission and by taking note of the fact as the victim after recovery negates the involvement of this petitioner *qua* her kidnapping and penetrative sexual assault/rape as alleged to be committed upon her, coupled with the fact that petitioner remains in custody since 25.11.2024, where investigation of this case is already completed, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge- 6th – cum- special Judge, (POCSO), Purnea, in connection with Special POCSO Case No. 21 of 2025 arising out of Mahila P.S. Case No. 55 of 2024, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J.)

Sanjeet/-

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