

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69291 of 2025

Arising Out of PS. Case No.-6 Year-2025 Thana- MAHILA P.S. District- Araria

Santosh Mandal S/o Kishori Mandal Resident of village- Khamkol, Ward No. 01, PS- Forbesganj, Distt.- Araria, Bihar

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. XXX S/o XXX resident of XXXX

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Ravish, Advocate
For the Opposite Party/s : Md. Aslam Ansari, APP
For the Informant : Mr. Ajay Kr. Prasad, Advocate
Mr. Binod Kr. Sinha, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 11-03-2026 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

2. A prayer for bail has been made on behalf of the petitioner in connection with Mahila P.S. Case no.06 of 2025 registered under sections 65(2), 352, 351(3), 351(2) and 3(5) of BNS, 2023 and Section 6 of POCSO Act.

3. Allegation in the F.I.R is that petitioner took way the informant’s minor daughters and subjected them to sexual assault.

4. Learned counsel for the petitioner submits, at the outset, that the present F.I.R has been filed after an inordinate delay of five days, for which no explanation has been tendered.



It has further been submitted that the alleged occurrence is highly improbable as the place of occurrence which has been shown is a public place and yet there is no eye-witness to the occurrence. The petitioner is in custody since 23.06.2025 with no criminal antecedent and after framing of charge on 09.09.2025, no witness has been examined on behalf of prosecution.

5. The application for bail is opposed by learned A.P.P. for the State as also learned counsel for the informant on the ground that victims are minor girls of 4 and 5 years of age who have been subjected to heinous crime of sexual assault and the same stands supported by the victims in their statements recorded under Section 183 of BNSS.

6. A report had been called for with respect to the stage of the trial and the said report has received which indicates that after charges being framed on 09.09.2025, no prosecution witnesses have been examined and thereafter on 09.02.2026 bailable warrants have also been issued for their production.

7. Taking into consideration the aforesaid facts and circumstances of the case and also considering the serious nature of allegation against the petitioner and statements of the victim under Section 183 of BNSS, I am not inclined to grant



bail to the petitioner and the application is rejected.

8. However, learned trial Court is directed to take further coercive measures in order to procure the attendance of the witnesses for moving ahead with the trial without giving any unnecessary adjournments.

(Soni Shrivastava, J)

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