

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.77042 of 2025

Arising Out of PS. Case No.-56 Year-2025 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Shiv Chand Kumar @ Shivchand Bind @ Shivchandra Kumar S/O- Shankar Bind R/V- Bhadaura Ps- Chainpur Dist- Kaimur At Bhabua

... .. Petitioner/s

Versus

1. The State of Bihar
2. Munna Kumar Sahani @ Munna Prasad Bind S/o- Late Rajendra Prasad Bind R/v- Bhadaura Ps- Chainpur Dist- Kaimur at Bhabua

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tribhuwan Narayan, Advocate
For the State	:	Mr. Ashok Kumar Singh, APP
For the O.P. No.2	:	Mr. Sonu Singh, Advocate
	:	Mr. Sarfaraz Ahmad, Advocate
	:	Mr. Abhay Kumar Mishra, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

4 23-02-2026 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the opposite party no.2.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 70(1) of the B.N.S. and Section 6 of the POCSO Act.

3. As per the prosecution case, the petitioner along with other co-accused are alleged to have committed rape upon the daughter of the informant.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case although the medical examination of the victim girl indicates no internal or external injury on her body nor any spermatozoa was found, as such, an attempt of sexual assault was not found. It has been submitted that during the course of investigation, it appears that the victim girl was merely hiding in the room of the petitioner and the



petitioner, having no criminal antecedent, is in custody since 23.07.2025.

5. Learned APP for the State and learned counsel for the opposite party no.2 have opposed the grant of bail on the ground that the victim is a minor girl, who was kidnapped and kept in confinement of this petitioner. Further, the victim has also supported the case of the prosecution in her statement under Section 183 of the B.N.S.S. and trial has also proceeded with two out of eight charge-sheeted witnesses have already been examined.

6. Taking into consideration the facts and circumstances and considering the fact that the trial has already proceeded, this Court is not inclined to grant privilege of bail at this stage. Accordingly, the prayer for bail of the petitioner is hereby rejected in connection with POCSO Case No.122 of 2025, arising out of Mahila P.S. Case No.56 of 2025.

7. However, the informant is directed to produce all his witnesses and the learned Trial Court is also directed to expedite the trial and conclude the same, preferably, within a period of six months, failing which the petitioner shall be at liberty to renew his prayer for bail.

(Soni Shrivastava, J)

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