

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76666 of 2025

Arising Out of PS. Case No.-89 Year-2025 Thana- UPHARA District- Aurangabad

Ajit Kumar S/O Umesh Yadav Resident Of Village- Bhaluyar, P.S- Uphara,
Dist.- Aurangabad

... .. Petitioner/s

Versus

- 1. The State of Bihar Bihar
- 2. YYY D/O XXX Resident Of Village- Bhaluyar, P.S- Uphara, Dist.- Aurangabad

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Bindhyachal Singh, Sr. Advocate
Mr. Vipin Kumar Singh, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP
Mrs. Leelawati Kumari, Advocate
Mr. Aman Vishal, Advocate

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

4 19-03-2026 Heard learned Senior Counsel for the petitioner,

learned counsel for the informant, and learned APP for the

State.

2. The petitioner is seeking for bail in connection
with POCSO G.R. No.97 of 2025, arising out of Uphara P.S.
Case No.89 of 2025, dated 10.08.2025, registered for the
offences under Sections 126(2), 115(2), 329(3), 351(2), 352,
74, 75(2), 76 of the Bharatiya Nyaya Sanhita and under
Section 8, 12 of the POCSO Act and Section 3(1)(r), 3(1)(s),
3(1)(w), 3(2)(va) of the SC/ST Act.



3. As per the FIR, the petitioner is alleged to have attempted to outrage the modesty of the informant, aged about 14 years, while she was alone in her house. Upon her raising an alarm, her brother arrived at the spot to rescue her, whereupon a scuffle ensued between the informant's brother and the petitioner.

4. Learned Senior Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is contended that he has not committed any offence as alleged in the FIR. It is further submitted that the alleged occurrence is said to have taken place in broad daylight at about 12:00 noon, which makes the prosecution case doubtful. It is also submitted that there was a love affair between the petitioner and the informant. Learned Senior Counsel further submits that the petitioner undertakes to cooperate in the trial if the privilege of bail is extended to him. Lastly, it is submitted that the petitioner has one criminal antecedent, in which he is already on bail, and is in judicial custody since 12.08.2025.

5. Learned counsel for the informant appears pursuant to the notice and submits that, altogether, there are five prosecution witnesses, out of which the evidence of three



witnesses has already been recorded. It is further submitted that only two witnesses are yet to be examined and, therefore, the trial is at an advanced stage and is likely to be concluded within one month. It is also contended that, if the petitioner is released on bail at this stage, there is an apprehension that he may tamper with the prosecution evidence, thereby affecting the fair conduct of the trial.

6. Learned APP for the State opposes the prayer for bail and submits that appropriate directions may be issued to the learned Trial Court to expedite the trial. It is further submitted that, in the event the trial is not concluded expeditiously, the petitioner may be granted liberty to renew his prayer for bail.

7. Considering the submissions of the parties, this Court finds it appropriate to direct the learned Trial Court to make all endeavours to conclude the trial, preferably within a period of two months from today. Since, out of five prosecution witnesses, the evidence of three witnesses has already been examined. It is expected that, by expediting the process of trial, the evidence of the remaining two witnesses shall also be examined within the aforesaid period.

8. However, in case the trial is not concluded within



the aforesaid period, the petitioner is at liberty to renew his prayer for bail, which would be considered on its own merits without being prejudiced by the present order.

9. Accordingly, the present application stands disposed of.

(Ajit Kumar, J)

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