

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2609 of 2026

Arising Out of PS. Case No.-157 Year-2025 Thana- Geedha District- Bhojpur

Jitendra Rai, S/o Sudarshan Rai @ Sudarshan Yadav R/O Village- Songhatta,
P.S.- Gidha, District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX W/o YYY R/O Vill.- Songhatta, P.S.- Gidha, Dist.- Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Govind Mishra, Advocate.
For the Opposite Party/s : Mrs.Nirmala Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 01-04-2026 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Gidha P.S. Case No. 157 of 2025 registered for the offence punishable under Sections 191, 126(2), 115(2), 109, 118(2), 351(2) and 352 of the BNS and Sections 4/6 of the POCSO Act.

3. The allegation against the petitioner is of committing sexual wrong with a seven years boy.

4. In the impugned order, the learned District Court, in paragraph no. 6, has observed that the victim boy, aged about seven years, in his statement recorded under Section 183 BNSS, as referred to in paragraph no. 35 of the case diary, has supported the allegation of sexual assault against the petitioner.



However, it appears that the impugned order does not disclose the date on which the statement of the victim boy under Section 183 BNSS was recorded. Further, there is no indication that the said statement was recorded without undue delay or that there was no gap between the lodging of the F.I.R. and recording of the statement to rule out that there was every likelihood that the victim boy may have been tutored by the family members and false implication of the petitioner.

5. In such circumstances, this Court finds it proper to direct the learned Special Judge, Exclusive POCSO Court-cum-ADJ-VI, Bhojpur at Ara, to pass a fresh, reasoned order in accordance with law, after taking into account all relevant documents and evidences on record, within a period of four weeks, from the date of receipt/production of a copy of this order.

6. The bail application, accordingly, stands disposed of.

(Purnendu Singh, J)

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