

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1071 of 2026

Arising Out of PS. Case No.-59 Year-2024 Thana- MAHILA P.S. District- Purnia

Niraj Kumar Paswan, S/o- Ramesh Paswan, resident of village-Gulabbagh
Kabristhan Tola P.S.- Sadar, Dist- Purnea.

... .. Petitioner

Versus

1. The State of Bihar
2. X, D/o- Y, R/o- Dighal Bank P.S.- Dighal Bank Dist- Kishanganj

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate
For the Opposite Party/s : Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-02-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Mahila P.S. Case No.59 of 2024 registered for the offences punishable under Sections 61(2), 64 read with 3(5) of the Bhartiya Nyaya Sanhita, 2023 (for short 'B.N.S.') as well as Sections 3 and 4 of the Immoral Trafficking (Prevention) Act, 1956 and Section 6 of the Protection of Children from Sexual Offences Act (in short 'POCSO Act').

3. The accused/petitioner is named in the FIR and is in custody since 27.11.2024.

4. Allegation against petitioner is to push the



informant in immoral trafficking activities along with other named co-accused persons. The informant claimed her age to be 18 years through FIR.

5. It is submitted by learned counsel appearing for petitioner that the victim was in relationship with petitioner and when for certain social reasons, their marriage was not solemnized, the present false implication was raised. It is submitted that the victim herself refused to join the medical examination. It is pointed out that in view of the FIR, where informant herself claimed her age 18 years, the lodging of present case under POCSO Act appears not convincing.

6. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

7. It is pointed out that till date only one prosecution witness was examined in this case, which is in complete defiance of Section 35(ii) of the POCSO Act, as petitioner is in custody since 27.11.2024. The petitioner claimed clean antecedent.



8. Learned APP opposed the prayer for grant of bail to the petitioner.

9. In view of aforesaid factual submissions and by taking note of fact as petitioner remains in custody for more than one year i.e., since 27.11.2024, coupled with the fact that investigation of this case is already completed, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-Sixth-cum-Special Judge (POCSO), Purnea in connection with Mahila P.S. Case No.59 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

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