

**IN THE HIGH COURT OF JHARKHAND AT RANCHI****B.A. No. 12189 of 2025**

Silan Kumar Jena @ Happy, S/o Late Basant Kumar Jena.

... .. **Petitioner**

Versus

The State of Jharkhand

... ..

**Opposite Party**

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**CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY**

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For the Petitioner : Ms. Rashmi Kumar, Advocate

For the Opp. Party : Mr. Azeemuddin, APP

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**04/04.05.2026**

Heard the learned counsel appearing on behalf of the parties.

2. Learned counsel for the petitioner submits that the petitioner is in custody since 21.06.2024 in connection with Tatanagar P.S. Case No.67 of 2024, Spl. POCSO Case No.75 of 2024, registered under Sections 376 (2) of the IPC and Section 4/6 of the POCSO Act, 2012 and charge has been framed under Section 376 (2) (m), 376 (2) (n) & 376 (3) of IPC and section 4 (2) of POCSO Act, now pending in the court of learned Special Judge, (POCSO), Jamshedpur.

3. The learned counsel for the petitioner submits that the impugned order is dated 23.11.2024. It is further submitted that as per the impugned order out of 6 witnesses, no witness was examined and the victim is a minor aged 10 years. She has also submitted that during medical examination, it has come that she was aged 10 to 13 years of age.

4. The learned counsel for the petitioner has submitted that as per her information, 2 witnesses have been examined including the victim and the victim had made contradictory statement before the learned court. However, she does not have the copy of the examination report of the victim.

5. The learned counsel for the State has opposed the prayer and has referred to the case diary at paragraph 95 and submitted that the age of the victim was 10-13 years and injury of sexual assault has been found on the private part of the victim. He has further submitted that the victim has supported the prosecution case, and being a

differently abled child, her statement was recorded with the help of an intermediary.

6. After hearing the learned counsels for the parties and considering the direct allegation made against the petitioner, which is supported by medical evidence and the statement of the victim as recorded before the court under Section 164 Cr.P.C., this Court is not inclined to enlarge the petitioner on bail.

7. ***This bail application is hereby rejected.***

8. However, it appears that charge was framed in the year 2024 itself.

9. The learned counsel for the State is directed to ensure that the remaining witnesses are promptly produced before the court.

10. The learned counsel for the State is further directed to communicate this order to the Superintendent of Police of the concerned district and also to the Director, Prosecution to ensure compliance.

11. Let a copy of this order be communicated to the learned court concerned through "FAX/email".

**(Anubha Rawat Choudhary, J.)**

*Date of Order:04.05.2026*

*Saurav*

*Date of Uploading:05.05.2026*