

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8175 of 2025

Arising Out of PS. Case No.-12 Year-2024 Thana- ARWAL MAHILA District- Jehanabad

Santosh Sao Son of Kailash Sao Resident of Mohalla - Arwal Sipah, P.S. -
Arwal, District - Arwal

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Daughter of Santosh Saw Resident of Village / Mohalla - Arwal Sipah,
P.S. - Arwal, District - Arwal, (Puttu Ke Gali, Near Bara Babu Ka Mill
Mokari Road)

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Prasad Singh, Adv.
For the Opposite Party/s	:	Mr. Satyendra Prasad, APP
For the O.P. No.2	:	Mr. Arun Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 17-09-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with Special
POCSO Case No. 55 of 2024 arising out of Arwal (Mahila) P.S.
Case No. 12 of 2024 instituted for the offences under Sections
376, 504, 506, 34 of the Indian Penal Code and Section 4 of the
POCSO Act.

3. As per prosecution case, the accusation against the
petitioner, who is the father of the victim girl, is that he used to
rape the victim girl since three years. It is also alleged that on



the alleged day of occurrence, the petitioner tried to make physical relationship with the victim girl.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The victim girl was examined by the Medical Board but, from perusal of the medical report, it appears that no spermatozoa was seen and, thus, the medical report does not support the prosecution case. He further submits that the victim girl is a lady of questionable character and has illicit connection with another persons of the locality. The petitioner has no criminal antecedent and is languishing in judicial custody since 05.05.2024 without any rhyme or reason. Charge-sheet has been submitted and the charges have also been framed in this case. He further submits that trial is going on and out of total five witnesses, two witnesses have already been examined.

6. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The petitioner is the father of the minor victim girl. He further submits that the Investigating Officer, after completion of investigation, has submitted charge-sheet against the



petitioner and the charges have also been framed under Sections 376, 504, 506 of the I.P.C. and Section 4 of the POCSO Act. The victim girl in her statement recorded under Section 164 of the Cr.P.C. has supported the prosecution case.

7. Learned counsel for the petitioner has filed supplementary affidavit stating there in that the victim (P.W.1) has been examined on 26.06.2025 and she has stated in her deposition that no occurrence has ever been taken place with her. It has further been stated that the mother of the victim (P.W.2) has also been examined on 09.06.2025 and she has clearly stated that her daughter has lodged a false case against her father (the petitioner).

8. Considering the nature of allegation and seriousness of offence, the statement of the victim girl recorded under Section 164 of the Cr.P.C. as also the present stage of trial, this Court is not inclined to grant bail to the petitioner. Reliance in this connection may be made to the decision of the Hon'ble Apex Court reported in **2024 SCC OnLine SC 3539 (X. vs. State of Rajasthan & Anr.)**, wherein in paragraph no. 14, the Hon'ble Apex Court has held as under:

“14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and



the prosecution starts examining its witnesses, the Court, be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.”

9. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

10. Learned Trial Court is directed to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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