

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4576 of 2025

Arising Out of PS. Case No.-378 Year-2024 Thana- BAIRIYA District- West Champaran

Bhagwat Kumar Son of Sri Prabhu Kushwaha Resident of Village- Baijua,
P.S.- Srinagar, Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanti Devi Wife of Sri Raza Mukhiya Resident of Village- Malahi Balua,
Ward No. 17, P.S.- Bairiya, Distt.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Sharad Kumar Verma, Advocate
For the State	:	Ms. Renu Kumari, APP
For the Informant	:	Mr. Avinash Raj, Advocate

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

ORAL ORDER

3 28-04-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Bairiya
P.S. Case No. 378 of 2024 instituted for the offence under
Sections 65(1) & 75(1) of the Bharatiya Nyaya Sanhita, 2023
and Sections 4, 6 & 8 of the POCSO Act.

3. As per prosecution case, accusation against the
petitioner is of committing rape upon the minor daughter of the
informant.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 30-10-2024. Petitioner
bears no criminal antecedent, as per disclosure made in



paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. The informant is not an eyewitness and claims to have arrived later based on neighbours' information, making the prosecution story doubtful. Learned counsel submit that the neighbours, instead of intervening, delayed informing the informant, raising suspicion. The victim's statements under Sections 183 and 180 BNSS are contradictory and appears to be tutored under coercion. As per medical report, doctor has opined that according to clinical and pathological examination there is no evidence of sexual assault. Police after completion of investigation has submitted charge sheet in this case.

6. Learned A.P.P. for the State and learned counsel for informant have vehemently opposed the prayer for grant of bail to the petitioner. It is fervently submitted that victim has supported the prosecution case in her statement recorded under Section 183 of the BNSS, 2023. Moreover, victim is minor and the offence committed by the petitioner is serious in nature, hence, he does not deserve the privilege of bail.

7. Considering the aforesaid facts and circumstances of the case, taking into account the fact that victim has



supported the prosecution case and she is minor, this Court, at this stage, is not inclined to grant bail to the petitioner. Prayer for grant of bail to the petitioner is, accordingly, *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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