

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5174 of 2025

Arising Out of PS. Case No.-285 Year-2024 Thana- KHIJARSARAI District- Gaya

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Samir Alam S/O Md. Nisar Alam @ Md. Nisar R/O Village - Pachmahalla,
P.S- Khizersarai, District.- Gaya

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. XX R/O Village - Pachmahalla, P.S- Khizersarai, District.- Gaya

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sudhir Kumar, Advocate
For the Opposite Party/s : Mr. Raj Kishor Singh, APP
For the Informant : Mr. Sunil Kumar Yadav, Advocate

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

ORAL ORDER

3 29-04-2025 Heard learned counsel for the petitioner, learned

counsel for the informant and learned APP for the State. Perused

the case diary.

2. The petitioner seeks bail in connection with

Khizersarai P.S. Case No. 285 of 2024 instituted for the offences

under Sections 376 of the Indian Penal Code and Section 4 of

the POCSO Act.

3. Accusation against the petitioner is of establishing

physical relations with the victim girl on the pretext of marriage.

4. Learned counsel for the petitioner submitted that the



petitioner is innocent and has falsely been implicated in the present case due to ulterior motives. Learned counsel for the petitioner submitted that from perusal of the FIR itself, it appears that victim was in love with the petitioner and therefore, the present case is the case of consensual physical relationship. Learned counsel further submitted that even as per medical report, there is no sign of recent sexual intercourse and as such, 376 of I.P.C. and Section 4 of the POCSO Act. It has been submitted on behalf of the petitioner that the petitioner is in custody since 12.11.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that victim in her statement recorded under Section 183 of the BNSS has supported the case of the prosecution case. Learned APP further submitted that as per medical report, there is no sign of sexual intercourse but rape cannot be denied. Learned APP further submitted that the consent of the minor girl has no value in the eye of law.

6. Considering the aforesaid facts and circumstances of the case as also Section 183 BNSS statement of the victim, this Court is not inclined to grant bail to the petitioner.



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

(Rudra Prakash Mishra, J)

Alok Verma/-

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