

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7080 of 2025

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

Kishan Kumar @ Kishaan Kumar Son of Yogendra Mukhiya @ Jogendra Mukhiya Resident of Village - Bejua, P.S. - Shrinagar, District - West Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kanti Devi Wife of Roja Mukhiya Resident of Village - Malahi Balua, Ward No.27, P.S. - Bairiya, District - West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sarvesh Kashyap, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, APP
For the Informant	:	Mr. Avinash Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 06-05-2025 Heard learned counsel for the petitioner, learned APP for the State, learned counsel for the informant and perused the case diary.

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

3. The prosecution case, in short, is that, the petitioner along with other co-accused person committed rape upon minor daughter of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submits that there is no specific allegation levelled against the petitioner of committing rape upon daughter of the informant. The allegation levelled against the petitioner is that he was standing near the co-accused, namely, Bhagwat Kumar who has been alleged to commit wrong with the victim. It is further submitted that the victim and co-accused, Bhagwat Kumar was having love affair. The petitioner is in custody since 30.10.2024 and has got no criminal antecedent.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner and submits that there is specific allegation levelled against the petitioner along with other co-accused person of committing rape upon daughter of the informant. It is further submitted that the victim in her statement recorded under Section 183 of BNSS has alleged specifically against the petitioner of committing rape upon her. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.



7. The prayer is rejected. The trial Court is directed to expedite the Trial. However, if the trial is not concluded within a period of six months from the date of receipt/production, the petitioner will have liberty to renew his prayer for bail in the Court below.

(Rudra Prakash Mishra, J)

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