

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20293 of 2025

Arising Out of PS. Case No.-10 Year-2025 Thana- Sahayak Khajanchi District- Purnia

Ashutosh Raj S/O Gulab Chand Mandal R/o Ambedkar Colony, Near
Bijendra Public School, Maranga, PS- Maranga, Distt- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manisha Kumari W/O Ravi Shankar R/O Subhash Nagar, P.S.- Sahayak Khajanchi, Dist.- Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate Mr. Bijendra Kumar Singh, Advocate
For the State	:	Mr. Choubey Jawahar, APP
For the Informant	:	Mr. Nishant Kumar Sinha, Advocate

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

ORAL ORDER

5 13-08-2025 Heard Mr. N. K. Agarwal, learned senior counsel for the petitioner assisted by Mr. Bijendra Kumar Singh, advocate and Mr. Choubey Jawahar, learned APP for the State as also Mr. Nishant Kumar Sinha, learned counsel for the informant. Perused the case diary.

2. The petitioner seeks bail in connection with Sahayak P.S. Case No. 10 of 2025 instituted for the offence under Sections 65(1) & 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4(2) & 8 of the POCSO Act.

3. As per prosecution case, accusation against the petitioner is that he raped the minor daughter of the informant



multiple times, recorded video and threatened her not to tell her family members about the incident.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 09-01-2025. 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 by O.P. No. 2 due to ulterior motives, specifically a financial dispute involving a Rs. 3 lakh loan taken by O.P. No. 2's husband from the petitioner's father. It is contended that the FIR is vague, lacking specific dates and times for the alleged incident, and the sequence of events described is improbable given the crowded location and absence of any alarm raised by the alleged victim. The petitioner's counsel highlights contradictions, including the victim's unexplained absence from home on another date, a 29-day delay in lodging the FIR, and the absence of eyewitnesses. Medical examination revealed no injuries, no presence of spermatozoa, and no signs of sexual assault, while estimating the victim's age between 17–20 years.

6. Learned A.P.P. for the State as also learned counsel for the informant have vehemently opposed the prayer for grant



of bail to the petitioner. Referring to the statement of the victim recorded under Section 183 of the BNSS, 2023, it is submitted that victim has fully supported the prosecution case and has stated that petitioner raped her and threatened to viral her obscene video. Charge sheet has already been submitted in this case under Sections 65(1) & 351(2) of the BNS, 2023 and Sections 4(2) & 8 of the POCSO Act. Since, victim is minor petitioner does not deserve the privilege of bail.

7. Considering the aforesaid facts and circumstances of the case, there being direct allegation of rape against the petitioner, which is duly corroborated by the statement of the victim recorded under Section 183 of the BNSS, 2023 and moreover, victim is minor, hence, this Court is not inclined to grant bail to the petitioner at this stage. Prayer for bail of the petitioner is hereby *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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