

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22261 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- MAHILA P.S District- West Champaran

1. Dinesh Kumar Kushwaha S/o- Alha Prasad Kushwaha @ Alha Mahto Village- Kuwarapatti Ps- Yogapatti District-West Champaran
2. Sunil Mishra S/o- Late Radhey Shyam Mishra Village- Lakshnauta Ps- Shanichari Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Victim D/o- Late Raja Pandit Village- Enai Ps- Revelganj Dist- Saran, C/o- Sanjay Pandit, S/o- Jiut Pandit

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s	:	Mr. Madan Kumar, APP
For the Informant	:	Mr. Gyan Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 23-07-2025 Heard learned counsel for the petitioners, learned APP for the State, learned counsel for the informant and perused the case diary.

2. The petitioners seek bail in connection with Bettiah Mahila P.S. Case No. 05 of 2025, instituted for the offences punishable under Sections 65(1), 64, 62, 3(5) of the Bharatiya Nyaya Sanhita, 2023, read with Sections 4 and 6 of the POCSO Act.

3. The prosecution case, in short, is that both the petitioners have kidnapped the victim girl and committed rape upon the victim who is a minor girl.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioners also submits that the petitioners have not committed rape upon the victim girl. The petitioners and the victim were examined by the medical officer and no any sign of sexual assault was found on the clothes or on the private parts of the victim. It is further submitted that the victim is a transgender. The petitioners are in custody since 05.02.2025 and have 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 petitioners and submits that there is specific allegation against the petitioners of committing rape upon the victim girl. It is further submitted that the victim has supported the prosecution case in her statement recorded under Sections 180 and 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Hence, the petitioners do 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 petitioners.

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 petitioners will have liberty to renew their prayer for bail in the Court below.

(Rudra Prakash Mishra, J)

Rajorshi/-

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