

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29827 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- ARER District- Madhubani

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Brahm Kumar @ Brahmdev Kumar S/o- Shyam Mukhiya Resident of
Village- Kapasiya PS- Arer, Dist- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Shivani Kumari D/o- Dashai Mukhiya Village- Kapasiya Ps- Arer Dist-
Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar Mishra, Adv. Mr.Sudhanshu Trivedi, Adv.
For the State	:	Mr. J.N. Thakur, APP
For O.P. No. 2	:	Mr.Shailendra Kr. Jha, Adv.

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 19-11-2025 Heard learned counsel for the petitioner as well as

learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Arer P.S. Case No. 08 of 2025, registered for the offences
punishable under Sections 64 of BNS, 2023 and section 4 of
POCSO Act.

3. The victim/complainant is a minor girl, according
to the medical report annexed with the case diary. She alleges
that the petitioner continued sexual relation with her at the false
pretext of marriage. The petitioner committed rape upon her.

4. The learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated. There is no explanation of delay of three months in lodging of the FIR/complaint. He has submitted further that although the victim is minor, according to the medical report, but no sign of sexual assault was found. He has also submitted that the petitioner himself was juvenile on the date of occurrence.

5. On the other hand, the learned counsel for the O.P. No. 2 and the learned APP for the State have opposed the prayer for bail by submitting that the victim is a minor girl and till date, the petitioner has not taken plea of his juvenility before the competent court. The petitioner himself has written his age as 25 years in the bail petition.

6. Considering the above-mentioned facts and circumstances, in my view, the petitioner doesn't deserve the privileges for anticipatory bail. Accordingly, it is rejected.

(Nawneet Kumar Pandey, J)

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