

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31495 of 2025

Arising Out of PS. Case No.-230 Year-2024 Thana- KURSAILA District- Katihar

Badal Kumar S/O Pramod Mandal R/O Village- Nawabganj (Purab Tola), P.S-
Kursela, Distt.- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mahendra Mandal S/O Late Ram Mandal R/O Village- Sukhpur (Purab Tola), Ward No.-15, P.S- Kursela, Distt.- Katihar.
3. Sumanti kumari @ Sugli kumari D/o Mahendra Mandal, R/o Vill- Sukhpur(Pura Tola), ward no. - 15, P.S.- Kursela, Distt- katihar, Pin-854103

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-08-2025 Heard the parties.

2. Application for grant of bail to the petitioner, who is in custody in connection with Kursela P.S. Case No. 230 of 2024, registered for the offences punishable under Sections 63(a) & 65(1) of BNS and Section 4 of the POCSO Act.

3. While the informant had gone for doing labour work at Chimney Bhatta of Santosh Agarwal, in the meanwhile, the petitioner forcibly entered into his house and committed rape upon his minor daughter aged about 15 years.

4. Learned Advocate for the petitioner contended that the petitioner and the victim are next door neighbour and there



is every possibility that they might have been in good relationship but once incidence came in light, the informant has instituted the present case and thereafter on pressure being made, her statement has been recorded under Section 183 of BNSS making allegation of sexual assault. He further submitted that there is contradiction in the FIR and the statement of the victim and moreover, the petitioner is a man of tender age having fair antecedent.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that apart from the specific allegation in the FIR, the victim has categorically stated in her statement recorded under Section 183 of BNSS that she was subjected to commission of rape by the petitioner. The victim was also medically examined where her age has been assessed in between 16-17 years.

6. Considering the submissions set forth by the learned Advocates for the respective parties and taking note of the statement of the victim as well as the medical report, this Court is not acceded to the prayer for grant of bail to the petitioner. Accordingly, the prayer for grant of bail to the petitioner stands rejected.

7. However, the petitioner shall be at liberty to renew



his prayer for bail after examination of the victim in trial.

(Harish Kumar, J)

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