

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39340 of 2025

Arising Out of PS. Case No.-174 Year-2025 Thana- RAFIGANJ District- Aurangabad

Pankaj Kumar @ Priyatam Kumar S/o Upendra Yadav @ Upendra Yadav
Himanshu R/o Vill- Kunji Bigha, Amlauna, P.S.- Obra, Distt- Aurangabad
(Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Lalan Kumar S/o Surajdev Yadav R/o Vill- Chaubda Tola, Govardhan Bigha,
P.S. Rafiganj, Distt- Aurangabad (Bihar)

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Aman Vishal
For the Opposite Party/s	:	Mr.Sanjay Kumar Tiwary
For the Informant	:	Mr. Nikhil Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioner and
learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Rafiganj P.S. Case No. 174/2025 dated 19.04.2025 registered for the offences punishable u/s 64(1) of the BNS and section 4 of the POCSO Act.

3. As per the prosecution case, the petitioner is alleged to have established physical relationship on the pretext of marriage.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is love affair between the petitioner and the victim girl. As per the medical report, no mark of injury is present over her body and hymen ruptured is old. It is further submitted that the medical board assessed the age of the victim between 17-19 years. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 20.04.2025.

5. Learned counsel for the Informant as well as learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the victim is a minor girl and there is specific allegation against the petitioner. The medical board also finds that it is difficult to say about sexual activity but position of sexual act could not be ruled out completely. It is further submitted that the victim in her statement recorded u/s 183 of the BNSS has also supported the prosecution.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, I am not inclined to enlarge



the petitioner on bail. Accordingly, the application stands rejected.

7. The learned trial court is directed to expedite the trial and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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