

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40542 of 2025

Arising Out of PS. Case No.-54 Year-2025 Thana- GOPALGANJ TOWN District- Gopalganj

Sri Bhawan Shah @ Sri Bhagwan Kumar Son of Jag Shah Resident of village
-Basdila Bazar, PS and District -Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anil Kumar S/o Gulchand Yadav R/v - Basdila, P.S. and Distt.- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmveer, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

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

ORAL ORDER

4 15-09-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Gopalganj Town P.S. Case No. 54 of 2025 instituted for the
offence under Sections 127(2), 115(2) & 76 of the Bharatiya
Nyaya Sanhita, 2023 and Section 8 of the POCSO Act.

3. Prosecution case is that petitioner tried to commit
rape with the daughter of the informant.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 21-01-2025. 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. There is delay of one day in lodging the FIR. Learned counsel submits that as a matter of fact no such occurrence has taken place as alleged in the FIR by the informant against the petitioner. Informant is not the eye witness to the occurrence. Charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that victim in her statement recorded under Section 183 of the BNSS, 2023 has clearly supported the prosecution case. Other witnesses have also supported the prosecution case and victim is minor, hence, petitioner does not deserve the privilege of bail.

7. Considering the aforesaid facts and circumstances of the case and nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner. Prayer for bail is *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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