

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40960 of 2025

Arising Out of PS. Case No.-87 Year-2025 Thana- BELHAR District- Banka

Dayanand Pandit @ Bhawani Pandit Son of Jhagru Pandit @ Jhakharu Pandit
Resident of Village- Dhartithan, P.s.- Belhar, Distt.- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Baby Devi Wife of Bishundev Pandit Resident of Village-Dhartithan, P.s.-
Belhar, Distt.- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Manoj Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Anil Kumar, APP
For the Informant :	Mr. Sandeep Jha, Advocate
	Mr. Aditya Jha, Advocate
	Mr. Rajguru Prasad, Advocate

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

ORAL ORDER

3 21-08-2025 Heard learned counsel for the petitioner, learned
APP for the State, learned counsel for the informant and perused
the case diary.

2. The petitioner seeks bail in connection with Belhar
P.S. Case No. 87 of 2025, instituted for the offences punishable
under Section 65 of the Bharatiya Nyaya Sanhita, 2023 and
Section 4 of the POCSO Act.

3. The prosecution case, in short, is that the petitioner
forcibly took away informant's minor daughter and committed
rape upon her.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submits that the allegation levelled against the petitioner is general and omnibus in nature. The petitioner has committed no offence as alleged in the FIR. There is delay of five days in lodging the FIR. It is further submitted that medical examination of the victim was done in which no any internal and external injury was found on part of victim, hence, the medical report does not corroborate with the prosecution case. There is admitted land dispute between the parties. The petitioner is in custody since 02.04.2025 and has 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 petitioner and submits that the petitioner is named in the FIR and has forcibly committed rape upon informant's minor daughter. 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 petitioner does 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 petitioner.

7. The prayer is rejected. The trial Court is directed to expedite the Trial.

(Rudra Prakash Mishra, J)

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