

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47737 of 2025

Arising Out of PS. Case No.-29 Year-2025 Thana- SURSAND District- Sitamarhi

Md. Tausif Khan S/O Wasirul Khan Resident Of village- Kumma, Ward No 3,
PS- Sursand, Dist- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shahjahan Khatoon W/O Gulam Rasul Resident Of village- Kumma Nuri Tola, Ward No 7, PS- Sursand, Dist- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mahendra Thakur, Advocate Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Zainul Abedin, APP
For the Informant/O.P.No.2:		Mr. Nishant Kumar, Advocate Mr. Surendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 15-10-2025 Heard learned counsel for the petitioner and learned

APP for the State as well as learned counsel appearing on behalf

of the informant/opposite party no. 2.

2. In the present case, the petitioner seeks bail in connection with Trial No. 299 of 2025, arising out of Sursand P.S. Case No. 29 of 2025 registered for the alleged offences under Sections 126(2), 115(2), 64(1), 352, 351(2), 3(5) of BNS and Section 4 of POCSO Act.

3. As per prosecution case, the petitioner committed



rape with the minor daughter of the informant and when the informant and her husband apprised the parents of the petitioner, the petitioner and his family members assaulted the informant and her husband.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The occurrence is stated to have taken place on 18.01.2025 when the written report to the police was made on 20.01.2025 and there is no sufficient explanation for the delay. Learned counsel further submits that the statement of the victim girl was recorded under Section 183 of BNSS wherein she initially did not name the petitioner and it is stated that a boy committed rape with her. But the houses of the petitioner and the informant are within 200 meters and the victim girl must have been knowing the name of the petitioner. Learned counsel further submits that the parties are on litigating terms and earlier there are two cases between the parties, i.e., Sursand P.S. Case Nos. 350 of 2024 and 359 of 2024. The petitioner is having antecedent of one case in which he is on bail. The petitioner is in custody since 21.01.2025 and charge sheet has been submitted.

5. Learned APP as well as learned counsel appearing



on behalf of the informant/opposite party no. 2 vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the victim girl has specifically stated in her statement recorded under Section 183 of BNSS that the petitioner committed rape with her. She has also explained that she was earlier not knowing the name of the petitioner and subsequently she came to know his name. Learned counsel further submits that in the case lodged by the mother of the petitioner, i.e., Sursand P.S. Case No. 359 of 2024, the informant, her husband and her minor daughter are not the accused and so far as Sursand P.S. Case No. 350 of 2024 is concerned, the same has been lodged against the petitioner and his family members and is not between the informant of this case and the petitioner. Learned counsel further submits that the trial has commenced in this case and one witness has been examined by the prosecution.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the serious nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail and hence, his prayer for bail is rejected.

7. Considering the fact that the petitioner is in custody



since 21.01.2025, the learned trial court is directed to expedite
the trial and conclude the same at the earliest.

(Arun Kumar Jha, J)

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