

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47200 of 2025

Arising Out of PS. Case No.-153 Year-2024 Thana- Rasalpur District- Bhagalpur

Akhilesh Kumar S/o Fuleshwar Mandal R/o Village- Masdaha, P.S.- Rasalpur,
District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sheela Devi W/o Bodhi Mandal R/o Village- Pokhariya, near Agriculture Farm, P.S.- Katihar, District- Katihar at present residing at Village- Chaitola, P.S.- Rasalpur, District- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ankit Raj, Advocate
For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP
For the Informant : Mr. Ashok Kumar No.6, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 11-11-2025 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 Rasalpur P.S. Case No. 153 of 2024, instituted for the offences punishable under Sections 139, 351(2), 352, 3(5), 115(2), 126(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 04 of the POCSO Act.

3. The prosecution case, in short, is that the petitioner has established physical relation with the informant's minor daughter on the pretext of marriage.



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 petitioner and victim were in talking terms from last two years. It is next submitted that statement of the victim recorded under Section 181 of the Bharatiya Nagarik Suraksha Sanhita, 2023 contradicts with her statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. It is further submitted that on the medical examination of the victim, it transpires that there is no clinical evidence of recent sexual intercourse. The petitioner is in custody since 11.03.2025 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 there is specific allegation against the petitioner. It is next submitted that from perusal of the case diary, it appears that the informant in restatement and other witnesses including the victim have fully supported the case of prosecution. 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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