

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49510 of 2025

Arising Out of PS. Case No.-110 Year-2025 Thana- BAHERA District- Darbhanga

Durgesh Kumar Paswan @ Durgesh Paswan Son of Ram Chandra Paswan
Village -Mahinam PS -Bahera District -Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kalyani Devi wife of Govind Jha Village -Mahinam PS -Bahera District -Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar S.K., Adv.
For the Opposite Party/s	:	Mr.Ajay Kumar No. 2, APP
For the Informant	:	Ms. Madhumala Kumari, Adv.

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

ORAL ORDER

4 09-10-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the informant.

Perused the case diary.

2. The petitioner seeks bail in connection with Bahera
P.S. Case No. 110 of 2025 instituted for the offences under
Section 70(2) of the Bhartiya Nyaya Sanhita, 2023 and Section
4/6 of the POCSO Act.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of committing rape
upon the minor daughter of the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case. He further submits that there is delay of nine days in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. He further submits that the medical report of the victim girl does not support the prosecution case as the doctor has neither found any external injury on any part of the body of the victim nor any spermatozoa was seen and the doctor has opined the age of the victim girl between 18 to 19 years. Learned counsel for the petitioner further submits that as a matter of fact, there was a love affair between the victim girl and one Dilkhush Paswan and the petitioner was just helping in their love-affair and, hence, the petitioner has been falsely implicated in the present case. The petitioner has no criminal antecedent and is languishing in judicial custody since 25.03.2025 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State as well as the informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The victim girl is minor. The victim girl in her statement recorded under Section 183 of the B.N.S.S. has supported the prosecution case. The Investigating Officer, after



completion of investigation, has submitted charge-sheet against the petitioner.

6. Having heard learned counsel for the parties and keeping in view the nature of allegation, gravity of the offence, materials available in the case diary and the statement of the victim girl recorded under Section 183 of the B.N.S.S., 2023, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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