

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50296 of 2025

Arising Out of PS. Case No.-107 Year-2025 Thana- BARARI District- Katihar

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Gulfaraz Alam @ Gulfaraz S/O Md. Kalam @ Abdul Kalam Resident of
Village- Kajra Jagdishpur, P.S- Barari, Distt.- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. [REDACTED] R/O Idgah Tola, Kajra, P.S- Barari, Distt.- Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate
For the State	:	Ms. Pushpa Sinha, APP
For the Informant	:	Mr.

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 17-10-2025 Heard learned counsel for the petitioner, learned
counsel for the Informant and Ms. Pushpa Sinha, learned APP
for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under Section 65(1) of the
BNS and Sections 4 & 6 of the POCSO Act.

3. The case of the prosecution in short is that the
informant has gone for the treatment of her husband to hospital.
When she returned back, then the minor daughter (victim) of the
informant told her that the petitioner has entered in the house
and finding her alone has established physical relationship with
her on the false promise of marriage.

4. Learned counsel for the petitioner has submitted



that from perusal of the medical report it is clear that the Doctor has found no any injury on private part, no mark of injury found in or around the external genitalia and has opined that 'I can say she was not used for sexual intercourse'. The Doctor has opined the age of the victim as 16-17 years.

5. During course of investigation, the victim has given her statement under Section 183 of the BNSS wherein she has stated that she was on talking terms with the petitioner. 10-15 days before, the petitioner has committed rape with her in a maize field. When she has gone to cut grass, there also the petitioner has established physical relationship and on many occasions petitioner has established physical relationship and for that he has given her Rs. 100 and 200. It has also been stated by the victim that on the date of occurrence also the petitioner has established physical relationship.

6. Learned counsel for the petitioner has submitted that the statement of the victim under Section 183 of the BNSS has entirely changed the case of the prosecution and the medical report of the victim is otherwise. Learned counsel for the petitioner has submitted that the petitioner is a man of clean antecedent and is in judicial custody since 16.04.2025.

7. Learned counsel for the Informant is present and



has vehemently opposed the prayer of bail to the petitioner.

8. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Barari P.S. Case No. 107 of 2025 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-VII-cum-Special Judge, POCSO, Katihar.

(Ashok Kumar Pandey, J)

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