

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56403 of 2025

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

Dilkhush Kumar Paswan @ Dilkhush Paswan S/o Fekan Paswan R/o Village -
Maninam, P.S - Bahera, District - Darbhanga

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Kalyani Devi W/O-Gobind Jha, R/O-Vill-Mahinam, P.S.-Bahera

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 51923 of 2025

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

Sumit Kumar Paswan @ Sumit Paswan S/o Santosh Paswan R/o Village-
Mahinam, P.S.- Bahera, District- Darbhanga (Bihar)

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Kalyani Devi W/o Govind Jha R/o Village- Mahinam, P.S.- Bahera, District-
Darbhanga (Bihar)

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 56403 of 2025)

For the Petitioner/s : Mr. Sadanand Roy, Advocate

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

For the Informant : Ms. Madhumala Kumari, Advocate

(In CRIMINAL MISCELLANEOUS No. 51923 of 2025)

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

For the Informant : Ms. Madhumala Kumari, Advocate

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

ORAL ORDER

4 24-11-2025 Heard learned counsel for the petitioners, learned

APP for the State, learned counsel for the informant and perused

the case diary.



2. The petitioners seek bail in connection with Bahera P.S. Case No. 110 of 2025, instituted for the offences punishable under Section 70(2) of the Bharatiya Nyaya Sanhita, 2023, read with Sections 4/6 of the POCSO Act.

3. The prosecution case, in short, is that the allegation against the accused persons including the petitioners is of committing rape upon the minor daughter of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioners also submits that there is delay of nine days in lodging the FIR that too without there being any plausible explanation for the same. It is next submitted 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.

5. In Cr. Misc. No. 56403 of 2025, learned counsel for the petitioner submits that there was a love affair between the victim girl and the petitioner. It is further submitted that the petitioner is in custody since 06.04.2025 and has got no criminal antecedent.



6. In Cr. Misc. No. 51923 of 2025, learned counsel for the petitioner submits that the petitioner and informant are co-villagers and the allegation levelled against the petitioner is false, the petitioner is a heart patient and he is under treatment since 2013. It is further submitted that the petitioner is in custody since 25.03.2025 and has got no criminal antecedent.

7. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioners, 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 Bharatiya Nagarik Suraksha Sanhita, 2023 has supported the prosecution case. It is further submitted that regular bail of other co-accused has been rejected by this Court vide order dated 09.10.2025 passed in Cr. Misc. No. 49510 of 2025. Hence, the petitioners does not deserve the privilege of bail.

8. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, materials available in the case diary and the statement of the victim girl recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, this Court is not inclined to grant bail to the petitioners.



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

(Rudra Prakash Mishra, J)

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