

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52045 of 2025

Arising Out of PS. Case No.-181 Year-2025 Thana- MAJHAULIA District- West Champaran

Ankit Kumar S/o Dinanath Sharma @ Dina Nath Sharm R/O village- Parsa,
Babu Tola, PS- Majhauliya, District- West Champaran at Bettiah. Petitioner/s
Versus

1. The State of Bihar.
 2. Sunita Devi W/o Krishna Sharma R/O village- Parsa, Babu Tola, PS-
Majhauliya, District- West Chasmparan at Bettiah.
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 17-11-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Majhaulia P.S. Case No. 181/2025, registered for the offence

under Section 65(1) of the Bharatiya Nyaya Sanhita, 2023

and Sections 4 and 6 of the POCSO Act.

3. The accused/petitioner is named in the F.I.R. and

is in custody since 27.03.2025.

4. The allegation against the petitioner is to commit

rape/penetrative sexual assault upon daughter of the

informant aged about 15 years and 09 months.

5. Mr. Krishna Prasad Singh, learned senior counsel



appearing on behalf of the petitioner submitted that there was no occasion for petitioner to kept him hide behind the bush, near to which the daughter of the informant went to attend call of nature. It is submitted that in fact out of acquaintance the daughter of the informant established physical relationship with petitioner. While concluding argument, it is submitted that charge-sheet in this matter submitted without FSL report, without ascertaining the important aspects, whether rape as alleged was committed upon minor daughter of the informant or not.

6. Learned APP while opposing the prayer of bail submitted that the allegation *qua* committing rape/penetrative sexual assault is specifically available against the petitioner. It is pointed out that the petitioner was apprehended immediately after the occurrence from his house and medical examination was also conducted on him on 03.04.2025, the date on which the victim was also examined medically. It is submitted that upon medical examination “*frenulum*” of petitioner was found tear with “no smegma”. It is submitted that the doctor categorically opined that due to



presence of tear of frenulum (penile region) and absence of smegma on physical examination possibility of sexual intercourse by petitioner cannot be ruled out, whereas upon medical examination on same very day, stained with blood spot of 3x3cm on reverse side of white colour bra of victim was found which was sent for FSL examination. It is submitted that beside the same the multiple blood spot over anterior and posterior side of sky blue colour jeans of victim was also noticed by the doctor. It is also submitted that her brown colour bloomer was also found slightly stained with blood. It is pointed out that victim categorically support the allegation qua petitioner while recording her statement under Section 180 of BNSS and submitted that due to aforesaid occurrence she become unconscious and caused profuse bleeding, which *prima facie* appears corroborating in view of medical findings and observations of doctor as discussed aforesaid.

7. In view of aforesaid factual submission and by taking note of medical finding of petitioner and also of victim and further by taking note of statement of victim as recorded



under Section 180 and also 183 of the BNSS, the prayer of bail of the petitioner stands rejected.

8. As petitioner is in custody since 27.03.2025, accordingly, learned trial court is directed to conclude the trial of petitioner preferably within one year from the date of cognizance as provisioned under Section 35(2) of the POCSO Act, failing which petitioner shall be at liberty to renew his prayer of bail, if so advice.

(Chandra Shekhar Jha, J)

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