

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54842 of 2025**

Arising Out of PS. Case No.-182 Year-2025 Thana- SITAMARHI District- Sitamarhi

Ram Milan Patel, S/o Late Ram Kumar @ Late Ram Kumar Mahto, R/o  
Village- Murliyachak, P.S.- Sitamarhi, District Sitamarhi

... .. Petitioner

Versus

1. The State of Bihar
2. Mother of victim "X" W/o Tohan Chaudhari, Resident of Murliyachak,  
Ward No. 19, P.S.- Sitamarhi, District- Sitamarhi

... .. Opposite Parties

**Appearance :**

For the Petitioner/s : Mr. Krishan Prasad Singh, Senior Advocate

Mr. Rakesh Singh, Advocate

For the Opposite Party/s : Mr. Binay Krishna, Spl. P.P.

For the Informant : Mr. Ayush Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      19-11-2025                      Heard learned senior counsel for the petitioner and  
  
learned Special Public Prosecutor for the State duly assisted  
  
by learned counsel appearing for the informant.

2. The accused/petitioner seeks bail in connection  
  
with Sitamarhi P.S. Case No.182 of 2025 registered for the  
  
offences punishable under Section 65(1) of the Bhartiya  
  
Nyaya Sanhita, 2023 (for short 'B.N.S.'), Sections 4 and 6 of  
  
the Protection of Children from Sexual Offences Act (in short  
  
'POCSO Act') later on, Section 3(2)(v) of the Scheduled  
  
Castes and the Scheduled Tribes (Prevention of Atrocities)



Act, 1989.

3. The accused/petitioner is named in the FIR and is in custody since 02.03.2025.

4. Allegation against the petitioner is to commit penetrative sexual assault upon minor daughter of informant aged about six years.

5. Mr. Krishna Prasad Singh, learned senior counsel appearing for the petitioner submitted that considering the nature of allegation that penetrative sexual assault by this petitioner was committed upon victim aged about six years, the medical finding must be incriminating to some extent but absence of any incriminating material categorically creates a doubt *qua* occurrence, suggesting false implication of this petitioner only due to local disputes and differences. It is submitted that upon medical examination, nothing incriminating was found upon petitioner also, which may suggest his involvement with present crime in question. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with



the evidence. The petitioner claimed clean antecedent.

6. Learned Spl.P.P. duly assisted by Mr. Ayush Kumar, learned counsel appearing for informant while opposing the prayer of bail submitted that the victim categorically stated while recording her statement under Section 183 of Bhartiya Nagrik Suraksha Sanhita, 2023 (in short 'BNSS) that this petitioner committed penetrative sexual assault/rape upon her. It is submitted that the victim has supported the allegation before the learned trial court as PW-3 and almost till now, out of five charge-sheet witnesses, three witnesses have already examined.

7. In view of aforesaid factual submissions and by taking note of statement of victim as recorded under Section 183 of the BNSS, where she categorically alleged against this petitioner as to commit penetrative sexual assault upon her, the prayer of bail of petitioner stands rejected herewith.

8. As the petitioner is in custody since 02.03.2025, the learned trial court is directed to conclude the trial within provisioned timeline of one year as available under Section 35(2) of the POCSO Act, failing which the petitioner may



renew his prayer for bail, if so advised.

**(Chandra Shekhar Jha, J.)**

Sanjeet/-

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