

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64821 of 2025

Arising Out of PS. Case No.-113 Year-2025 Thana- BHARGAMA District- Araria

Mithilesh Sharma S/o Munglal Sharma R/o Vill- Naya Bhargama, Ward No. 03, P.S.- Bhargama, Distt- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kabita Devi W/o Anmol Mandal R/o Vill- Naya Bhargama, Ward No. 4, P.S.- Bhargama, Distt- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 19-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. None appears on behalf of the opposite party no.2,
despite valid service of notice.

3. The petitioner seeks bail in a case registered for
the offence punishable under Sections 65(1) of the B.N.S. and
Section 4 of the POCSO Act.

4. The allegation in the First Information Report is
that the informant's daughter was raped by the petitioner when
she had gone to give sickle at his house as asked by him.

5. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated as he is just a neighbour of
the informant. It is further submitted that the victim has given a



statement under Section 183 of the B.N.S.S. upon pressure of the family having oblique motive. It has also been submitted that the medical evidence in the form of Doctor's report indicates that there is no evidence of fresh sexual assault and she is aged between 17 to 19 years and as such, the provisions of POCSO Act would not be attracted. The petitioner is in custody since 26.03.2025 and has no criminal antecedent.

6. Learned APP for the State opposed the grant of bail on the ground that there is direct allegation of rape against the petitioner which has been supported by the statement of the victim under Section 183 of the B.N.S.S. and the medical report also shows that the hymen was ruptured.

7. Taking into consideration the facts and circumstances and also considering the fact that the petitioner is involved in heinous offence of subjecting the informant's daughter to sexual assault, which stands supported by her statement under Section 183 of B.N.S.S., I am not inclined to grant bail to the petitioner. As such, the prayer of regular bail of the petitioner is hereby rejected in connection with Bhargama P.S. Case No.113 of 2025.

(Soni Shrivastava, J)

anand/-

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