

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69126 of 2025

Arising Out of PS. Case No.-37 Year-2025 Thana- MAHILA P.S. District- Muzaffarpur

Mukesh Kumar Rai Son of Late Ramadhin Rai R/o Village - Dariyapur
Kafen, P.S. - Turki, Dist. - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pankaj Kumar Singh Son of Ghanshyam Singh R/o Village - Dariyapur
Kafen, P.S. - Turki, Dist. - Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok, Adv
For the Opposite Party/s	:	Mr. Navin Kr. Pandey, APP
For the Informant	:	Mr. Yugal Kishore, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 24-11-2025 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 Mahila
P.S. Case No. 37 of 2025 registered for the offences under
Section 65(2) of the BNS and Sections 4 and 6 of the POCSO Act.

3. The petitioner is named in the F.I.R. and is in custody
since 05.06.2025.

4. The allegation against the petitioner is to commit
penetrative sexual assault/rape upon minor daughter of informant
aged about 11 years .

5. Learned counsel appearing on behalf of the petitioner
submitted that due to neighborhood disputes and differences
petitioner implicated with the present case falsely. It is submitted
that semen was not recovered from the under garments or from
the clothes of the victim rather it was recovered from the place of



occurrence with which this petitioner is not connected in any manner. It is submitted that petitioner was not examined medically as to ascertain the allegation. It is also submitted that till now only charge in this matter has been framed on 02.08.2025, but not even single prosecution witness particularly victim examined till now, which is complete defiance of provision as available under Section 35(1) of the POCSO Act. While concluding the argument it is submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. Learned counsel appearing on behalf of informant, while opposing the prayer for bail submitted that semen recovered from the place of occurrence found matched with the DNA of the this petitioner. It is submitted that victim resisted during the occurrence at her best out of which she received several injuries i.e., multiple bruise over her right leg, face and both hands as per medical report. It is also submitted that **labial edema** was found positive upon examination of private part of the victim, which prima-facie suggests penetrative sexual assault. Explaining non-examination of victim, learned counsel for the informant



submitted that petitioner preferred Cr. Misc. 65117 of 2025 before this Court, as to quash the present FIR, where on the basis of said quashing petition, petitioner regularly seeks adjournment before the Trial Court, without any stay order.

8. Considering the aforesaid factual submission and by taking note of fact as victim received several fatal injuries during the occurrence as per her medical report, where injury also appears found upon her private part, further DNA of petitioner matched with the semen collected from the place of occurrence, accordingly, the prayer for bail of the petitioner stands rejected herewith for the present.

9. However, learned Trial Court is directed to expedite the proceedings and examine the victim within provisioned timeline as available under Section 35(1) of the POCSO Act and also to conclude the trial within preferred time line as provisioned under Section 35(2) of the POCSO Act, except it any stay order is being passed in aforesaid quashing petition by this Court.

(Chandra Shekhar Jha, J.)

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