

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1794 of 2026

Arising Out of PS. Case No.-65 Year-2025 Thana- BARHIYA District- Lakhisarai

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Gautam Kumar Son of Krishan Nandan Singh Village- Khuthadih, P. S. -
Barahiya, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dinesh Kumar Son of Sagina Mahto Resident of village - Garh Laxmipur,
Ps- Barahiya, Dist- Lakhisarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-01-2026 Heard Mr. Rajesh Kumar, learned counsel for the

petitioner and Mr. Anil Kumar Singh No.1, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
01.04.2025 in connection with POCSO Case No. 40 of 2025
arising out of Barahiya P.S. Case No. 65 of 2025, F.I.R. dated
01.04.2025 for the offences punishable under Sections 75 and
76 of the BNS, 2023 and Sections 8 and 12 of the POCSO Act.

3. According to prosecution case, this petitioner along
with one Raghvendra Singh have committed rape upon the
minor daughter of the informant.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case. The allegation as alleged in the F.I.R is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 of Cr.P.C/183 of B.N.S.S where she has supported the case of the prosecution. As per the allegation in the F.I.R, this petitioner along with another accused person have committed rape upon the daughter of the informant who is 12 year old. Witnesses as well as medical evidence also supported the case of the prosecution.

6. Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail in connection with POCSO Case No. 40 of 2025 arising out of Barahiya P.S. Case No. 65 of 2025 pending in the court of learned District & Additional Sessions Judge-VI-cum-Spl. Judge POCSO Act, Lakhisarai.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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