

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4894 of 2026

Arising Out of PS. Case No.-387 Year-2025 Thana- SUPAUL District- Supaul

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Rakesh Kumar @ Rakesh Basafor S/o Manju Basafor @ Manju Vasfod R/o
Village - Khiriya Machhar Gaon, Ward No. 07, P.S - Bagha, District - West
Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX W/o YYY R/o Village - Ghuran, P.S - Supaul, District - Supaul

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Advocate
For the Informant	:	Mr. Kuldeep Kumar, Advocate
		Mr. Aditya Raj, Advocate
For the Opposite Party/s :		Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 01-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection
with POCSO Case No. 90 of 2025 arising out of Supaul P.S.
Case No. 387 of 2025 registered for the offence punishable
under Sections 96, 137(2) of the B.N.S., 2023 and Sections 4 &
6 of the POCSO Act.

3. The case of the prosecution, in short, is that the
petitioner and one other have abducted the minor daughter of
the informant, and they have handed her over to somebody else
who got her married to one Darshan Singh.

4. Learned counsel appearing on behalf of the



petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. He also submits that in this case, during the course of the investigation, the victim has given her statement recorded under Section 180, and she has stated that Chandan has taken her and that Chandan has also established forceful physical relationship with her. He further submits that the main thrust of the allegation is against Chandan. Moreover, a statement has been made in para 3 of the petition that petitioner has no criminal antecedent and he is languishing in judicial custody since 03.10.2025.

5. Countering this, the application for bail is vehemently opposed by the learned counsel for the informant and the learned APP for the State. Learned counsel for the informant has stated that the victim has given her statement recorded under Section 183 of the BNSS, wherein she has stated that Rakesh, this petitioner, and Chandan took her to Bhediya and from there she was taken to Gorakhpur and from there she was handed over to Sunaina, thereafter, she was married to one orphan, namely, Darshan Singh. Learned counsel for the informant submits that the statement of the victim goes to show that the petitioner and Chandan have sold her and transferred



her to different hands and she was ultimately married to one Darshan Singh. He further submits that similarly situated co-accused Chandan Kumar has been refused the privilege of bail by the learned coordinate bench of this court *vide* Cr. Misc. No. 16703 of 2026. It has also been argued that the learned counsel for the petitioner has relied much on the statement of the victim under Section 180 of the BNSS, but the manner in which the statement of the victim was recorded in 180 of the BNSS is not in the spirit of the provision, and as such, this cannot be relied on.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is not inclined to enlarge the petitioner on bail however the petitioner will be at liberty to renew his prayer for bail after six months if the trial is not concluded.

7. Learned trial court is directed to expedite the case and to dispose it of in view of Section 35 of the POCSO Act.

(Ashok Kumar Pandey, J)

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