

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9789 of 2026

Arising Out of PS. Case No.-240 Year-2024 Thana- PIPRA District- East Champaran

Gafoor Miyan Son of Late Hadish Miyan Resident of village - Harnarayana,
P.O.- Damodarpur, P.S.- Pipra, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXXX XXXX D/O- YYYY YYYY Resident of village- Harnarayana, P.O-
Damodarpur, P.S- Pipra, Disrtrict- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Vikram, Advocate
For the Opposite Party/s : Mr. Binay Krishna, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

7 16-07-2026 Heard learned counsel for the petitioner and learned APP
for the State. Despite valid issuance of notice, none appears for
the Opposite Party No.2. Perused the case diary.

2. The petitioner seeks bail in connection with Pipra
P.S. Case No. 240 of 2024 instituted for the offence under
Sections 341, 323, 376, 504, 506 & 509 of the Indian Penal
Code and Sections 3(i)(r)(s), 3(w)(i)(ii) of the SC/ST Act and
Sections 4, 6 & 8 of the POCSO Act. Earlier anticipatory bail of
the petitioner was rejected by a Co-ordinate Bench of this Court
vide order dated 19.11.2025, passed in Cr. Appeal (SJ) No. 5712
of 2024.

3. The petitioner is alleged to have forcibly filmed



the victim in naked state and established physical relationship three years ago and used the threat of distributing the video to sexually exploit her over time. Upon the victim revealing her pregnancy, the accused allegedly abused her family using caste-based slurs.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 24.01.2025. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel for the petitioner submits that there is delay of five days in lodging the FIR. It is next submitted that victim herself has stated that she is 19 years of age. Charge sheet has already been submitted in this case. Referring to medical report, it is submitted that there was no sign found on the victim regarding sexual violence.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is fervently submitted that victim is minor and she has been subjected to rape. Police after completion of investigation has submitted charge sheet under Sections 341, 323, 376, 504, 506



& 509 of the Indian Penal Code and Sections 3(i)(r)(s), 3(w)(i) (ii) & 3(2)(v) of the SC/ST Act as also Sections 4, 6 & 8 of the POCSO Act.

7. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner. Prayer for grant of bail to the petitioner is hereby *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

