

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13252 of 2026

Arising Out of PS. Case No.-169 Year-2025 Thana- MAHILA PS District- Darbhanga

Abinash Das @ Raja @ Avinash Kumar Das Son of Shri Ram Narayan Das
@ Narayan Das R/O Village -Bedipatti, P.S -Fekla, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Daughter of Prem Das Resident Of Village- Bedipatti, Ps- Fekla, Dist- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyanka Singh, Adv.

For the Opposite Party/s : Mr. Awanish Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 06-05-2026 Heard Ms. Eashita Raj, learned counsel for the
petitioner and Mr. Awanish Kumar Singh for the State.

2. The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 169 of 2025 for the offence registered under sections 65(1) of the BNS and under Section 3, 4 of the POCSO Act.

3. As per the prosecution story, the lady informant alleged that on information that her daughter is unconscious in the coaching centre, rushed to the said place. There, the Police was also present and after breaking the lock, the unconscious daughter was taken out and carried to DMCH, Darbhanga. On regaining consciousness, she claimed that this petitioner has



raped her. This led to the FIR.

4. Learned counsel for the petitioner submits that the coaching centre is full with students, there is no question of any rape. The medical examination report of the girl do not support the prosecution theory inasmuch as not only the age of the girl has been recorded as 18 to 19 years, the report clearly shows that she was habituated to this physical relationship, no recent sign of rape was found.

5. Learned counsel for the informant on the other hand opposes the prayer submitting that the girl is minor which has come on record, the door was broke open in the presence of Police and the petitioner has failed to narrate how and under what circumstance, the door was locked and the girl was found unconscious in the room.

6. Considering the aforesaid submissions, though there is medical report as pointed out by learned counsel for the petitioner, the alibi is missing inasmuch as the petitioner failed to inform why there was a lock which was broke open in the presence of the Police. In that background, this Court is of the opinion that the petitioner should seek bail.

8. The anticipatory bail application stands rejected.

9. However, if the petitioner surrenders within four



weeks from today, the Court concerned shall take up the matter
and dispose it of preferably on the same day.

(Rajiv Roy, J)

Vijay Singh/-

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