

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11867 of 2026

Arising Out of PS. Case No.-202 Year-2025 Thana- GOPALPUR District- West Champaran

Ajay Kumar S/O Ramautar mahto R/O Mohachhi Nain Kamran Tola, P.s.-
Gopalpur, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. X S/O Y R/O Vill.- Moglahiya, P.O.- Sundargava, P.s.- Gopalpur, District-
West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Lalan Kumar, APP
For the Informant	:	Mr. Mithilesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-04-2026 Heard Mr. Bimlesh Kumar Pandey, learned

counsel for the petitioner, Mr. Lalan Kumar, learned A.P.P. for
the State as well as Mr. Mithilesh Kumar, learned counsel for
the Informant.

2. The petitioner seeks bail, who is in custody since
29.11.2025 in connection with Gopalpur P.S. Case No. 202 of
2025, FIR dated 22.11.2025 registered for the offence under
Section 137(2), 87, 352, 3(5) of the Bharatiya Nyay Sanhita,
2023.

3. According to the prosecution case, the informant
alleged that on 20.11.2025 at about 08.00 P.M when his
daughter went outside the house to defecate, then the petitioner



along with other co-accused persons kidnapped her for the purpose of marriage.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in this case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. Infact the victim was in love with the petitioner and the statement of the victim was recorded under Section 180 and 183 of BNSS in which she had not stated anything about sexual assault against the petitioner. He further submits that charge sheet has been submitted against the petitioner under Section 65(1), 96 of BNS and under Section 4 & 6 of POCSO Act and the petitioner is rotting in judicial custody since 29.11.2025.

5. Learned A.P.P. for the State as well as learned counsel for the Informant, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submit that it appears from the case diary that age of the victim is about 14 years which suggest that at the time of alleged occurrence she was minor and apart from that medical report of the victim suggest that she had been sexually exploited by the petitioner. The relevant portion of the medical report is quoted



hereinbelow:-

“P/V examination-*Hymen ruptured.
Old scar not present.
No any injury on private part.*
Opinion:- *Pathology report spermatozoa not
seen, but on physical examination hymen
ruptured, So Possibility of recent sexual
intercourse can’t be ruled out.”*

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Gopalpur P.S. Case No. 202 of 2025,, pending in the Court of District and Additional Sessions Judge 6th-cum-Special Judge, POCSO, Bettiah, West Champaran.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Suruchi/-

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

