

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22359 of 2026

Arising Out of PS. Case No.-8 Year-2025 Thana- NADI District- Supaul

Gauri Shankar Sah, aged about 23 years(Male) S/O Yogendra Sah, R/O Village- Ladania @ Lahania Ward no- 4, PS- Andhramath District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX D/o- XXXX R/v- Itahari W.No-10, Ps- Nadi Dist- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Advocate
For the Opposite Party/s	:	Mr. Ram Sevak Choudhary, APP
For the Informant	:	Mr. Amrit Abhijat, Advocate

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

4 16-07-2026 Heard learned counsel for the petitioner, learned APP for the State and perused the case diary.

2. The petitioner is in custody in a case registered for the offence punishable under Sections 75, 76 and 126(2), 190, 191(2), 191(3) and 329(3) of the BNS and Sections 8 and 12 of the POCSO Act.

3. As per allegation in the FIR, it is a case of attempt of rape upon the daughter of the informant by the petitioner and other accused persons.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He next submits that petitioner was not present at the place of



occurrence and no injury was found on the body of the alleged victim and the medical board has assessed the age of the victim in between 18-20 years which itself creates serious doubt regarding applicability of the POCSO Act. Petitioner has got clean antecedent as stated in para-3 of the petition and he is in custody since 06.10.2025.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner attempted to commit rape upon the daughter of the informant

6. On perusal of the first information report, case diary, the statement of the victim girl recorded under Section 183 of the BNS and impugned order dated 16.02.2025, it appears that petitioner is named in the FIR and he along with 4-5 unknown miscreants armed with weapons came to the house of the informant and forcibly disrobed his minor daughter and attempt to commit rape with her. From perusal of para-3 of the case diary that the informant has supported the prosecution story. The informant in her statement recorded under Section 180 of the BNSS mentioned in para-28 of the case diary as also under Section 183 of the BNSS, the victim has supported the prosecution story and specific allegation against the petitioner is that on the date of incident, in the noon, she was at her home



and was studying in the room, the petitioner entered into her house and trashed her on the ground and sit upon her body and he commit any wrongful act with her. In the meantime, victim's grand mother and mother came there and rescued her and the petitioner disrobed her, the victim was minor on the alleged date of occurrence and after completion of the investigation, the IO has submitted the charge-sheet of this case against the petitioner under Sections 75, 76, 126(2), 329(3) and 329(4) of the BNS and Sections 8 and 12 of the POCSO Act and several witnesses have also supported the case of the prosecution, so I am not inclined to grant regular bail to the petitioner.

7. Accordingly, the prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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