

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15033 of 2026

Arising Out of PS. Case No.-171 Year-2025 Thana- SABAUR District- Bhagalpur

Md. Gulfraz @ Md. Gulraz, Son of Late Md. Rahim, Resident of Mohalla-
Bansi Tikkar, Ward No. 2, P.S.- Sabour, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Daughter of Y Resident of Mohalla- Bansi Tikkar, Ward No. 2, P.S.-
Sabour, P.O.- Sabour, District- Bhagalpur- 813210

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.M. Ashraf, Senior Advocate Mrs.Rana Hason, Advocate
For the State	:	Mrs.Veena Kumari Jaiswal, APP
For the O.P.No.2	:	Mr. Swapnil Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 24-06-2026 Heard learned senior counsel for the petitioner,

learned APP for the State and learned counsel for the opposite

party no.2.

2. In the present case, the petitioner seeks bail in
connection with POCSO Case No. 102/2025, arising out of
Sabour P.S. Case No. 171 of 2025, registered for the alleged
offences under Section 65(1) of BNS and Sections 4/8 of
POCSO Act.

3. As per the prosecution case, while the minor
daughter of the informant was alone in her house, she was called
by the petitioner to his house and forcibly taking her to his
house, the petitioner committed rape with her.



4. The learned senior counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The victim girl was medically examined two days after the alleged rape and it was reported that no spermatozoa was found and there was no evidence of recent sexual intercourse. The learned senior counsel further submits that the petitioner and the victim girl are neighbours and there is dispute over drainage and, as such, the mother of the victim has falsely implicated the petitioner with some ulterior motive. The learned senior counsel further submits that the petitioner is the father of two children and runs a mobile repairing shop. The FIR has been registered after 24 hours without any satisfactory explanation. It also shows afterthought and deliberation on part of the informant. The learned senior counsel further submits that though there is allegation that the petitioner repeatedly slapping the victim, but no injury was found on the person of the victim. The learned senior counsel further submits that the petitioner is in custody since 22.05.2025 and is having clean antecedent. The charges have been framed on 27.08.2025 and, thereafter, prosecution witnesses are being examined, but there is no likelihood of early conclusion of trial.

5. The learned APP as well as learned counsel for the



opposite party no.2 vehemently oppose the submission made on behalf of the petitioner. The learned counsel for the opposite party no.2 submits that altogether four witnesses have been examined out of five witnesses. The learned counsel further submits that the victim has supported the prosecution story in her statement recorded under Sections 180 and 183 of BNSS.

7. Having regard to the specific nature of allegation which is quite serious, I am not inclined to enlarge the petitioner on bail. Hence, his prayer for grant of bail is rejected.

8. Since the prosecution has already examined four witnesses as submitted by the learned counsel for the opposite party no.2 and only one witness remains to be examined, the learned trial court is directed to expedite the trial and conclude the same at the earliest and preferably within a period of three months.

(Arun Kumar Jha, J)

V.K.Pandey/-

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