

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15424 of 2026

Arising Out of PS. Case No.-173 Year-2025 Thana- KURTHA District- Jehanabad

Md. Jamal Ansari S/O Md. Halim Ansari R/O Sahjeewan Dargah @ Sajeewan Dargah @ Sahjivan Dargah, PO- Pijrawan, PS- Kurtha, District- Arwal

... .. Petitioner/s

Versus

1. XXX D/O Md Hasmuddin Ansarias R/O Sahjeewan Dargah @ Sajeewan Dargah @ Sahjivan Dargah, PO- Pijrawan, PS- Kurtha, District- Arwal
2. The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 17-06-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for bail in connection with Kurtha P.S. Case No. 173 of 2025 registered for the offence punishable under Sections 64(1), 74 & 75 of the B.N.S., 2023 and Sections 04 and 08 of POCSO Act.

3. The case of the prosecution, in short, is that while the minor daughter of the informant was alone at her home, the petitioner entered the house and used force against her. During the course of the investigation, the victim has given her statement recorded under Section 183 of BNSS, wherein she has stated that the petitioner has committed rape with her.

4. Learned counsel appearing on behalf of the petitioner



has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. He also submits that the prosecution has developed the story during investigation. He further submits that in this case, medical examination of the victim was conducted and the doctors have found no injury on her person. He further submits that the petitioner is languishing in judicial custody since 13.10.2025.

5. Countering this, the learned APP for the state has submitted that from a perusal of the FIR, it is clear that the victim has stated that the petitioner has used force against her, which has been explained by her in her statement recorded under Section 183 of BNSS, and from a perusal of the medical examination report, it is clear that the doctor conducting the medical examination of the victim has found the following: hymen layer ruptured, internal injury not present, and no tenderness found. He further submits that the petitioner is aged about 50 to 55 years, whereas the victim is aged about 14 to 16 years. There is every possibility that the petitioner might have overpowered her and the victim would not have been able to resist the act.

6. Learned APP for the State has further submitted that the petitioner is the main assailant in the present case. He has also relied on a judgment of Hon'ble Apex Court in the case of **X Vs. State of Rajasthan & Anr** passed in **SLP(Criminal) No. 13378**



of 2024 wherein in para- ‘14’, Hon’ble Apex Court has held which is being quoted hereunder:-

14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.

7. A report has also been called from the learned trial court and from perusal of which, it is clear that in this case, out of seven witnesses, three witnesses have been examined, and the learned trial court has undertaken to conclude the trial within three months.

8. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is not inclined to enlarge the petitioner on bail at this stage, however, he may renew his prayer for bail after three months if the trial is not concluded.

9. Learned trial court is directed to conclude the trial within three months from today.

(Ashok Kumar Pandey, J)

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