

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17038 of 2026

Arising Out of PS. Case No.-175 Year-2025 Thana- RUPAULI District- Purnia

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1. Subhash Mahaldar Son of Sri Bucho Mahaldar Resident of Village- Gaddi Ghat, Basantpur, Ps- Rupauli, Dist- Purnea
 2. Sachin Kumar son of Sri Wakil Mukhiya Resident of Village- Gaya Rahika, Ps- Falka, Dist- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sita Devi Wife of Sri Sukkal Muni Resident of Village- Gaddi Ghat, , Ps- Rupauli, Dist- Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amit Kumar Anand, Advocate
For the Informant	:	Mr. Sanjay Kumar Pandey, APP
For the Informant	:	Mr. Nadimul Hasan, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 07-05-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for bail in connection with Rupauli P.S. Case No. 175 of 2025 registered for the offence punishable under Sections 70(2) and 351(2) of B.N.S. and Sections 4 and 6 of POCSO Act.

3. The case of the prosecution, in short, is that the petitioners along with others have committed rape with the minor daughter of the informant and after the act, the minor girl was threatened of dire consequences. On 26.08.2025, when the victim got ill, she was rushed to the hospital and after that, the case was filed.



4. It is submitted by learned counsel for the petitioners that petitioners are innocent and have committed no offence. They have been falsely implicated in the present case. Learned counsel for the petitioners has submitted that the occurrence is of 09.08.2025 whereas the F.I.R. has been filed on 03.09.2025. There is delay, which is not explained. It has further been submitted that during course of investigation, the victim has stated that these two petitioners have committed rape with her whereas in F.I.R., the informant has stated that four persons have committed rape with her minor daughter. It has further been submitted that from perusal of the medical examination report also it will transpire that the doctor has opined that “so according to above findings there is no evidence of sexual assault was found at the time of examination.” Petitioners are having no criminal antecedent and they are languishing in judicial custody since 19.01.2026.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail. Learned counsel for the informant has submitted that the F.I.R. is the version of the mother of the victim. As far as delay is concerned, the informant came to know about the occurrence when her daughter got ill and was rushed to hospital. Learned counsel for the informant has submitted that this way the delay is explained. It has further been submitted that actually what has



happened with the victim is stated by her in statement under Section 183 of the B.N.S.S. wherein she has stated that these petitioners have committed rape with her. As far as medical examination report is concerned, though the opinion of the doctor is that there is no evidence of sexual assault found at the time of examination, the occurrence is of 09.08.2025 and the medical examination was conducted on 09.10.2025 i.e. after two months.

6. The objective finding of the doctor is that P/V-Old perforated hymen. No evidence of injury on private parts of the body. Since the occurrence is of two months back, the minor abrasions may have healed but the status of the private parts shows that sexual act has been performed with her.

7. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioners on bail at this stage and, as such, their prayer for bail stands rejected.

8. However, petitioners may renew their prayer for bail after six months if the trial is not concluded.

9. Learned trial Court is directed to conclude the trial in view of Section 35 of the POCSO Act.

(Ashok Kumar Pandey, J)

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