

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18663 of 2026

Arising Out of PS. Case No.-33 Year-2025 Thana- MAHILA PS District- Khagaria

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Gautam Kumar S/O Ramayan Singh Resident of Village - Amni, P.S.- Mansi,
District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX W/O XXX R/O Vill.- S.D.O Road,Vishwanathganj,Ward no- 14, P.S-
Khagaria, Dist- Khagaria

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gaurav Kumar, Advocate
For the Opposite Party/s : Mrs. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 24-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. Though notice has been served upon the
informant/opposite party no. 2, there is no representation on her
behalf.

3. In the present case, the petitioner seeks bail in
connection with POCSO Special Case No. 89 of 2025 arising
out of Khagaria Mahila P.S. Case No. 33 of 2025 registered for
the alleged offences under Sections 64, 351(2) and (3) of
Bharatiya Nyaya Sanhita, 2023 and Section 4 of the POCSO
Act.

4. As per prosecution case, petitioner is the second



husband of the informant and allegation against petitioner is that he committed rape with 13 years old daughter of the informant from her previous marriage.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The prosecution story is not believable. There is no material to support the prosecution case. The informant has recorded her deposition and in her deposition, she stated that some altercation and scuffle took place between her daughter and the petitioner and in anger, she lodged this case. She also stated that no rape was committed with her daughter and there was no injury on her private part. Learned counsel further submits that the petitioner is having clean antecedent and is in custody since 09.08.2025. Charge-sheet has been submitted.

6. Learned APP for the State vehemently opposes the the submission made on behalf of the petitioner. Learned APP submits that for reasons best known to her, the informant might have resiled from her statement but the victim girl in her statement recorded under Section 183 of BNSS, fully supported the prosecution case. Further, the occurrence took place on 01.08.2025 and her medical examination was done on 09.08.2025. Therefore, absence of injury is normal.



7. Having regard to the facts and circumstances and seriousness of allegation and also considering the nature of allegation in the backdrop of relationship of the parties, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail of the petitioner is **rejected**.

8. Learned trial court is directed to expedite the trial and conclude the same at the earliest considering the mandate of the POCSO Act.

(Arun Kumar Jha, J)

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