

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27308 of 2026

Arising Out of PS. Case No.-738 Year-2025 Thana- AMARPUR District- Banka

Md. Guddu S/o Md. Lutan R/o Village - Datwati, P.S - Amarpur, District - Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. [REDACTED] R/o Village - Chichroun, P.S - Akbarnagar, District - Bhagalpur Presently R/o Village - Datwati, P.S - Amarpur, District - Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash Dwivedi, Advocate.
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 18-06-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for bail in connection with Amarpur P.S. Case No. 738 of 2025 registered for the offence punishable under Sections 64 and 351(2) of the B.N.S., 2023 and Section 4 of the POCSO Act.

3. The case of the prosecution, in short, is that while the informant was alone at her home, the petitioner entered her house and 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, as per the complaint petition, the alleged occurrence took place on 24.07.2025, whereas the complaint petition was filed on 05.08.2025 and the FIR was registered on 14.10.2025. He also submits that, prior to filing of the present case, a case had already been lodged from the petitioner's side and by way of retaliation, the present case has been instituted.

5. Learned counsel for the petitioner further submits that, during the course of investigation, the victim has given her statements recorded under Sections 180 and 183 of the BNSS, wherein she has supported the case of the prosecution in verbatim. However, from perusal of the medical examination report, it transpires that the doctor who examined the victim has found no sign of any recent or remote injury over the labia majora, labia minora, or cervix. The hymen was found to be intact. The age of the victim has been assessed to be between 12 and 14 years. He further submits that, in view of the findings recorded in the medical examination report, the medical evidence does not support the allegations levelled against the petitioner. Moreover, a statement has been made in para 3 of the petition that petitioner has no criminal antecedent and he is languishing in judicial custody since 23.02.2026.



6. The application for bail is vehemently opposed by the learned counsel for the informant and the learned APP for the State.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI, Special Judge, POCSO Act, Banka in connection with Amarpur P.S. Case No. 738 of 2025.

(Ashok Kumar Pandey, J)

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