

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31329 of 2026

Arising Out of PS. Case No.-28 Year-2026 Thana- PHULWARIA District- Begusarai

Kanhaiya Kumar Son of Baldev Rai @ Baldev Ray Resident of Village-
Phulwaria (Phulwariya), Phulwaria- 03, Bakhtar Asthan, (Bakbar Asthan)
Ward No. 4, P.S.- Phulwaria (Phulwariya), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-05-2026 Heard Mr. Sandip Kumar Gautam, learned counsel
for the petitioner and Mr. Pranav Kumar, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
07.02.2026 in connection with Phulwaria (Phulwariya) P.S.
Case No. 28 of 2026 for the offence punishable under Section
64 of BNS.

3. The case of the prosecution, in brief, is that on
05.02.2026 at about 06.30 PM, informant's name "X" (name
not disclosed due to legal reasons), who is mentally
incapacitated was raped by the accused-Kanhaiya Kumar by
force. As per the informant, she was allured by the Kanhaiya
Kumar on the pretext of giving her biscuits and took her to a



secluded hut behind the house, and committed rape upon her. As per the informant, she has seen the occurrence from her naked eyes, and thereafter, she raised alarm, and then the accused persons fled away. The informant further stated that later when the clothes of victim-X was seen, then sperm of the accused-Kanhaiya Kumar was found on the cloth of victim. As per the informant, the accused-Kanhaiya has also earlier molested X several times.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and is innocent and he has falsely been implicated in the present case. It is further submitted that the allegation as alleged in the FIR is forged and fabricated and the petitioner has not committed any offence as alleged in the FIR.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the victim is mentally incapacitated and was raped by the petitioner and the victim in her statement recorded under Section 183 of BNSS has stated that the petitioner has committed wrong with her.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in



connection with Phulwaria (Phulwariya) P.S. Case No. 28 of
2026 pending in the court of learned Judicial Magistrate, 1st
Class, Begusarai.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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