

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28680 of 2026

Arising Out of PS. Case No.-197 Year-2025 Thana- WARISNAGAR District- Samastipur

Kuldeep Kumar S/o Paltan Mahto Resident of Village - Balahi, P.S - Waris Nagar, District - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXXX D/o YYYY Resident of Village - Charu, Ward No. 11, P.S - Waris Nagar, District - Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate
Mr. Raja Ram Mishra, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-04-2026 Heard Mr. Krishna Pd. Singh, learned senior counsel
for the petitioner and Mr. Nitya Nand Tiwary, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
20.07.2025 in connection with Waris Nagar P.S. Case No. 197
of 2025, F.I.R. dated 19.07.2025 for the offences punishable
under Section 70(2) of the BNS, 2023 and Sections 4 and 6 of
the POCSO Act.

3. According to prosecution case, this petitioner along
with one accused person committed rape upon the victim who is
about 15-16 years of age.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the victim was recovered and her statement has been recorded under Section 183 of the BNSS, 2023 in which she has categorically stated that the petitioner has committed rape upon her. Apart from that, the medical report of the victim suggest that the victim was only about 15-16 years of age at the time of occurrence and the said medical report also confirms the recent sign of hymen being ruptured.

6. Considering the nature of allegation as alleged in the FIR supported by the medical evidence, I am not inclined to enlarge the petitioner on bail in connection with Waris Nagar P.S. Case No. 197 of 2025 pending in the court of learned Special Judge (Rape and POCSO), Samastipur.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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