

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30450 of 2026

Arising Out of PS. Case No.-375 Year-2025 Thana- KOTWA District- East Champaran

Bhola Sah S/o Gopal Sah R/o Village - Sihorwa Karaiya, P.S. - Kotwa, Dist. - East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar
2. X W/o Y R/o Village - Sihorwa Karaiya, P.S. - Kotwa, Dist. - East Champaran, Motihari.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhandev Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 27-07-2026 Heard learned counsel for the petitioner and learned APP for the State. Despite valid service of notice, none appears for the informant. Perused the case diary.

2. The petitioner seeks bail in connection with Kotwa P.S. Case No. 375 of 2025 instituted for the offence under Sections 64 & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3 & 4 of the POCSO Act.

3. Prosecution case in short, is that, petitioner and one another co-accused committed rape with the victim.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 02.01.2026. Petitioner bears no criminal antecedent, as per disclosure made in



paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner has not committed offence as alleged in the FIR. Petitioner is neighbour of the victim due to which he has been implicated in this case. Referring to statement of the victim recorded under Section 183 of the BNSS, 2023, it is submitted that victim has not named the petitioner.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to statement of the victim recorded under Section 183 of the BNSS, 2023, it is submitted that victim has fully supported the prosecution case. Charge sheet has already been submitted in this case under Sections 70(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3 & 6 of the POCSO Act.

7. Considering the aforesaid facts and circumstances of the case, since victim has fully supported the prosecution case in her statement recorded under Section 183 of the BNSS, 2023, this Court is not inclined to grant bail to the petitioner. Prayer for grant of bail to the petitioner is hereby *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and



unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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