IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51463 of 2026

CNR No. BRHC010559712026

Arising Out of PS. Case No.-71 Year-2025 Thana- BALIGAON District- Vaishali

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Bharat Kumar @ Prabhat Kumar Jha @ Prabhat Kumar @ Prabhat Jha S/o Mitthu Jha @ Mithlesh Kumar Jha @ Mithalesh Jha Resident of Village- Champapur, Agrail ,Police Station -Baligaon, District -Vaishali at Hajipur.

... ... Petitioner/s

Versus

1. The State of Bihar Patna
2. XXX W/O Suresh Das Resident of Village- Champapur, Agrail ,Police Station -Baligaon, District -Vaishali at Hajipur.

... ... Opposite Party/s

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Appearance :
For the Petitioner : Mr. Sachin Kumar, Advocate
For the State : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR

ORAL ORDER

4 18-11-2026 Heard the learned counsel for the petitioner and the learned APP appearing on behalf of the State.

2. It appears from the record that notices were issued to the opposite party no.2 through both modes. It further appears from the office report as well as the report submitted by the Superintendent of Police, Vaishali at Hajipur on 08.10.2026 that the ordinary notice has been served upon the opposite party no.2 i.e. the informant herein by the local police station on 05.10.2026 and the same was received by the informant. Despite valid service of notice, none is appearing on behalf of the informant, therefore this Court has got no option but to proceed

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with the matter.

3. The petitioner seeks bail in connection with Baligaon P.S. Case No.71 of 2025 for allegedly having committed offence under Sections 64 and 62 of B.N.S. as well as under Section 18 of the POCSO Act.

4. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant, to the effect that on the date of occurrence while she was working in her courtyard, her two minor daughters were playing at the door of the house. In the meantime, the petitioner took both of them to a shop for purchasing biscuit and took them to a corn field. He told the younger daughter to sit outside and took the older daughter, who was about six years of age, along with him and tried to commit rape against her. In the meantime, the younger daughter of the informant came running and informed the informant, upon which the informant went there and saw the petitioner therein, who fled from there.

5. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. He submits that the entire allegations levelled in the first information report are false and concocted inasmuch as that no such occurrence has taken place. He submits that the present

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first information report has been lodged on account of previous enmity in between the parties, since prior to lodging of the present case, a complaint case was filed bearing Complaint Case No.C1-1363/2025 against the informant, her husband and other family members for not returning Rs.50,000/- to the father of the petitioner. The learned counsel for the petitioner submits that the allegations levelled in the first information report causes serious doubt about the veracity of the statement made by the informant, since the informant herself declined to go for any medical check up of her minor daughter. He next submits that charge-sheet has been submitted in the present case, therefore there is no question of any tampering with the evidence, if the petitioner will be granted the privilege of bail.

6. *Per contra*, the learned APP appearing on behalf of the State, while opposing the prayer for bail of the petitioner, submits that the petitioner took the minor daughter along with him in a maize field and tried to commit rape against her, however the informant reached there and thereafter the petitioner fled.

7. Having considered the rival submissions and after going through the records, it appears that the allegation against the petitioner is that he took both the minor daughters of the

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informant aged about six years and three years, along with him for purchasing biscuit and took the older of them i.e. six years old, inside the maize field and tried to commit rape against her. From perusal of the statement of the victim girl recorded under Section 183 of the BNSS, it would transpire that the victim girl in her statement supported the case of the prosecution, except that she did not name the petitioner, however she told that she will identify the person, who took her away along with him, for purchasing *Kurkure* and biscuit. It is not in dispute that the informant refused to go for medical check up of the victim girl, however, taking into account the statement of the victim girl recorded under Section 183 of the BNSS and her age as well as that of the petitioner, coupled with the fact that the learned Trial Court has submitted its report that summons have been issued to the witnesses for prosecution evidence and the case is presently pending for prosecution evidence, this Court is not inclined to grant bail to the petitioner. Accordingly, the same is rejected.

(Ritesh Kumar, J.)

Sanjay/-

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