IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44419 of 2026

CNR No. BRHC010567292026

Arising Out of PS. Case No.-438 Year-2025 Thana- RUNISAIDPUR District- Sitamarhi

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Vikram Kumar @ Vikram Ram S/O Mahendra Ram R/O Village - Running Saidpur,P.O and P.S - Runni Saidpur, Dist- Sitamarhi, Bihar

... ... Petitioner/s

Versus

1. The State of Bihar
2. X S/O Y Resident of village and PO - Gissara, P.S. - Parsauni, Dist. - Sitamarhi

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sumit Kumar Jha, Advocate
Ms. Rakchika Shekhar, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

6 04-11-2026 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Runnisaidpur P.S. Case No. 438 of 2025 instituted for the offence under Sections 65(2), 62 & 103 of the Bharatiya Nyaya Sanhita, 2023 and Sections 4(2) & 5(j)(iv) of the POCSO Act.

3. Prosecution case in short, is that, on 29.11.2025 informant saw petitioner pressing the neck of his daughter while attempting to commit a wrongful act with her, as a result of which she died of asphyxia. It is further alleged that the informant caught hold of the petitioner with the help of villagers

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and handed him over to the police.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 30.11.2025. 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. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner submits that the petitioner has no relationship or enmity with the informant or the deceased and has no apparent motive to commit the alleged offence. It is further submitted that the prosecution story is doubtful as the postmortem report reveals no mark of sexual assault on the deceased, and the Investigating Officer has failed to collect any cogent evidence connecting the petitioner with the alleged offence.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner by contending that there is direct allegation against the petitioner in the FIR. It is further submitted that seven out of eight prosecution witnesses have been examined in this case, which is evident from a report dated 19.09.2026, received from the Court

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below. Learned APP has further relied upon a decision of the Hon'ble Apex Court reported in ***2024 SCC Online SC 3539 (X. vs. State of Rajasthan & Anr.)***, wherein in paragraph No.14, Hon'ble Apex Court has observed as under:

> *"14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused."*

7. Considering the aforesaid facts and circumstances of the case, there being direct allegation against the petitioner in the FIR and particularly taking into account the stage of the trial which is on the verge of its conclusion, this Court is not inclined to grant bail to the petitioner at this stage. 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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