IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46148 of 2026

CNR No. BRHC010646422026

Arising Out of PS. Case No.-225 Year-2025 Thana- NAWADA District- Nawada

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Dablu Kumar @ Bablu Chaudhary S/o Kishori Chaudhari R/o Village - Rasalpur Mahugain, P.S - Fatehpur, District - Gaya

... ... Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi W/o Anil Kumar Chaudhary R/o Village - Nehaluchak, P.S - Nawada Town, District - Nawada

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Ms. Sujata Kumari, Advocate
For the State : Mr. Dr. Mrityunjaya Kr.Gautam, APP
For the O.P. No.2. : Mr. Sheo Kumar Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 27-10-2026 Heard learned counsel for the petitioner and learned APP for the State as also learned counsel for the informant. Perused the case diary.

2. The petitioner seeks bail in connection with Nawada P.S. Case No. 225 of 2025 instituted for the offence under Section 65(1) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 & 6 of the POCSO Act.

3. Prosecution case, in short, is that petitioner committed rape upon the daughter of the informant while she was at her home alone.

4. It has been submitted on behalf of the petitioner

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that the petitioner is in custody since 07.01.2026. Petitioner bears one 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. There is unexplained delay of 27 days in lodging the FIR. As a matter of fact, it is submitted that petitioner and victim were in love affair. There is no eye witness to the occurrence. It is next submitted that victim has refused for her medical examination.

6. Learned A.P.P. for the State and learned counsel for the informant have 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 65(1) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 & 6 of the POCSO Act. Learned counsel for the O.P. No.2 submits that even charge in this case is framed and the case is fixed for prosecution evidence. 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

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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. In compliance of the order dated 08.09.2026, a report dated 15.09.2026, with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that the case is at the stage of prosecution evidence.

8. Considering the aforesaid facts and circumstances of the case as also nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner. Prayer for grant of bail to the petitioner is rejected.

9. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments preferably within a period of six months.

10. However, petitioner will be at liberty to renew his prayer for bail in the Court below, if the trial is not concluded within a period of six months from the date of

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receipt/production of a copy of this order.

11. Let an explanation be called for from the learned District and Additional Sessions Judge-VI-cum-Special Judge (POCSO Act), Nawada, as to why the detailed report regarding the stage of the trial, as directed vide order dated 08.09.2026, has not been submitted and, further, why the report does not disclose the sections under which charges have been framed against the petitioner. The learned court below shall specifically explain the circumstances leading to the aforesaid omissions and submit its explanation forthwith.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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