

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47356 of 2025

Arising Out of PS. Case No.-138 Year-2025 Thana- SIMRI District- Darbhanga

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Kundan Kumar Thakur Son of Nawal Kishor Thakur Resident of Village -
Kanshi, P.S.- Simri Bazar, District - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX Daughter of Mahesh Mahto Resident of Village - Manihas Kanshi,
P.S.- Simri Bazar, District - Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No. II, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 02-02-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Simri
P.S. Case No. 138 of 2025 instituted for the offence under
Sections 65(1) & 351(2) of the Bharatiya Nyaya Sanhita, 2023
and Sections 4 & 6 of the POCSO Act.

3. Prosecution case, in a nutshell, is that petitioner has
sexually assaulted the victim while she went for natural call.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 05.05.2025. Petitioner
bears no criminal antecedents, 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 due to money dispute with the father of the victim. Referring to medical report, it is submitted that the same does not corroborate the allegation levelled against the petitioner. There is inordinate delay of three days in lodging the FIR. It is next submitted that it is highly improbably that such an incident would occur at broad day light.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to the statement of the victim recorded under Section 183 of the BNSS, 2023, it is submitted that she has fully supported the prosecution case. Moreover, charge-sheet in this case is submitted under Sections 65(1) & 351(2) of the Bharatiya Nyaya Sanhita, 2023, and Sections 4 & 6 of the POCSO Act.

7. Considering the aforesaid facts and circumstances of the case and since charge sheet is submitted in this case under Sections 65(1) & 351(2) of the Bharatiya Nyaya Sanhita, 2023, and Sections 4 & 6 of the POCSO Act, this Court is not inclined to grant bail to the petitioner. Prayer for bail is hereby *rejected*.

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



unnecessary adjournments.

Raj Kishore/- **(Rudra Prakash Mishra, J)**

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