IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49320 of 2026

CNR No. BRHC010683692026

Arising Out of PS. Case No.-38 Year-2026 Thana- SIMRA District- Aurangabad

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Sunil Kumar Son of Doman Bari @ Doman Ram Resident of Village- Chandel Bigha, P.S.- Risiup, District- Aurangabad (Bihar).

... ... Petitioner/s

Versus

1. The State of Bihar
2. X Wife of - Y Resident of Village- Baluapar, P.S.- Simra, District- Aurangabad (Bihar).

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Kamlendra Prasad Singh, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP
For the Informant : Ms. Mukul Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 27-10-2026 Heard Mr. Kamlendra Prasad Singh, learned counsel for the petitioner; Ms. Mukul Kumari, learned counsel for the informant and Mr. Choubey Jawahar, learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Simra P.S. Case No. 38 of 2026 instituted for the offences under Sections 96, 64(1), 65(2), 351(2),(3) of the Bharatiya Nyaya Sanhita and Sections 4, 8, 12 of the POCSO Act.

3. That the prosecution case, in brief, is that the informant's daughter was forcibly taken by petitioner and was confined at his house and raped.

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4. Learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated in the present case on account of his refusal to continue working at the informant's house, as his wages had remained unpaid by the informant for a long period. Learned counsel further contended that the informant and the victim are the resident of different villages and their villages are about 2 kilometers apart. Learned counsel further submitted that although victim has supported the prosecution case under Section 183 BNSS statement but the same is not corroborated by the medical report. It has been submitted on behalf of the petitioner that the petitioner is in custody since 26.04.2026 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that victim in her statement recorded under Section 183 of the BNSS has corroborated the contents of the FIR, and therefore, the petitioner does not deserve to be released on bail.

6. Considering the aforesaid facts and circumstances of the case as also Section 183 BNSS statement of the victim, this Court is not inclined to grant bail to the petitioner at this stage.

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7. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

8. Learned Trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

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