

Arising Out of PS. Case No.-49 Year-2025 Thana- SAKRI District- Madhubani

Versus

- Appearance :**

For the Petitioner/s : Mr. Gagandeo Yadav, Adv.

Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 06-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sakri P.S. Case No. 49 of 2025 registered for the offence punishable under Sections-64(2)(k) of BNS and 4/8 of POCSO Act.

3. As per allegation, while after cutting crops from the field, the informant returned her home, she found the petitioner with her mentally retarded younger sister in objectionable condition and when alarm was raised, he succeeded in fleeing away.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and he has falsely been implicated



in this case. It has further been submitted that neither any mark of violence nor any sign of rape was found on the person of the victim. It has also been submitted that the victim did not reply the answers, put by the court during course of recording her statement under Section-183 of the BNSS.

5. Learned APP has opposed the prayer for bail.

6. The F.S.L. report is available on the record which shows that Ext. A/1 contains blood marks and semen. The victim is aged about 14 years. Perusal of the remarks made by the Magistrate during recording of the statement under Section-183 of the BNSS shows that the victim is a mentally retarded girl and that is why, she could not answer the questions, put by the court during recording of her statement under Section-183 of the BNSS.

7. Considering the aforesaid facts and circumstances, the petitioner does not deserve the privilege of bail and accordingly, the same is *rejected*.

(Nawneet Kumar Pandey, J)

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