IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50844 of 2026

CNR No. BRHC010729392026

Arising Out of PS. Case No.-49 Year-2025 Thana- SHIVAJINAGAR District- Samastipur

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Raja Kumar @ Raja Babu Mandal Son of Ganga Prasad Mandal @ Ganga Prasad Resident of Village - Rajaur (Rajaul), P.S.- Shivaji Nagar, District- Samastipur.

... ... Petitioner/s

Versus

1. The State of Bihar

2. Ms. X D/o- Manoj Kumar Ram R/o Village- Rajaur, P.S.- Shivajinagar, District- Samastipur, Bihar.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Pratik, Advocate
For the Opposite Party/s : Mrs. Usha Kumari 1, APP
For the Informant : Mr. Pintu Kumar Patel, Advocate

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

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

2. The petitioner seeks bail in connection with Shivajinagar P.S. Case No. 49 of 2025, T.R. No. 215 of 2026, Reg. No. 152 of 2025 instituted for the offences under Sections 137(2), 96, 70(1), 351(2), 3(5) of the Bharatiya Nyaya Sanhita, Sections 4/6 of the POCSO Act and Sections 3(1)(wi), 3(1)(w

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(i), 3(2)(v) and 3(2)(va) of the SC/ST Act.

3. Allegation against the accused persons including the petitioner is of commission of rape upon the victim girl.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has falsely been implicated in the present case. Learned counsel contended that trial has commenced and the victim has been examined but she has not supported the case of the prosecution and thus, there is contradiction between the statement of the victim recorded under Section 183 of the BNSS and the deposition before the trial. Learned counsel also submitted that the co-accused persons have already been granted bail by different co-ordinate Benches of this Court vide orders dated 07.10.2026, 14.10.2026 and 17.09.2026 passed in Cr. Misc. No. 55016 of 2026, Cr. Misc. No. 55595 of 2026 and Cr. Misc. No. 52273 of 2026, respectively. It has been submitted on behalf of the petitioner that the petitioner is in custody since 18.08.2025 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

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corroborated the contents of the FIR, and therefore, the petitioner does not deserve to be released on bail. Learned APP also submitted that police, after completion of the investigation, submitted charge-sheet under Sections 137(2), 96, 70(1), 351(2), 3(5) of the BNS and Sections 4/6 of the POCSO Act, Sections 3(1)(wi), 3(1)(i), 3(2)(v), 3(2)(va) of the SC/ST Act. Learned APP also contended that trial is already in progress and three witnesses have also been examined in this case. Learned APP for the State 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, the Hon'ble Apex Court has held has 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."*

6. Considering the aforesaid facts and circumstances of the case, present stage of the trial 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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