

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54698 of 2025

Arising Out of PS. Case No.-264 Year-2025 Thana- MAHUA District- Vaishali

Pinku Ray @ Pinku Kumar @ Pintu Ray S/o- Shiv Shankar Rai @
Shivshankar Ray Village- Mansoorpur Halaiya PS- Goraul, Dist- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Victim X D/o- Md. Isha Village- Beruadih Ps- Bariyarpur Dist- Muzaffarpur
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Adv

For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 25-02-2026

Heard the parties.

2. The petitioner seeks bail in connection with Mahua P.S. Case No. 264 of 2025 registered for the offence under Sections 137(2), 87, 64, 351 and 3(5) of the BNS and Section 4/6 of the POCSO Act.

3. The petitioner is named in the F.I.R. and is in custody since 05.03.2025.

4. The allegation against the petitioner is to commit rape/penetrative sexual assault upon informant aged about 14 years after making her unconscious.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner was examined medically, immediately after the occurrence, but upon his examination no incriminating material surfaced in support of the allegation. It is submitted that the victim was also examined and if the allegation of aggravated penetrative sexual assault as she alleged to committed rape by two



co-accused persons, then certainly some injuries must be found in and around her private part, which was not available, therefore, allegation as raised against petitioner not appears convincing. It is submitted that petitioner is in custody since last 11 months and till now only one witness i.e., informant was examined by the learned Trial Court suggesting prima-facie that trial of this case is not likely to conclude in the near future. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer of bail submitted that it is a case of aggravated penetrative sexual assault, where informant/victim aged about 14 years was raped by petitioner and other named co-accused person. It is submitted that none finding of injury upon medical examination does not lead to conclusion *ipso-facto* that rape/penetrative sexual assault was not committed upon as rape is a legal finding not a medical one. It is submitted that charge-sheet in this matter was submitted on 27.04.2025, whereafter cognizance was taken in the month of May and therefore, by all probability within next 6 months the trial would be concluded in view of Section 35(2) of the POCSO Act



and, therefore, the argument as advanced by learned counsel for the petitioner that trial would not conclude in the near future not appears convincing. It is also submitted that victim supported the occurrence and allegation *qua* petitioner while recording her statement under Section 183 of the BNSS with allegation to push her in flesh trade by one of the co-accused.

7. Despite of service of notice, informant/OP No. 2 failed to join present pending proceedings.

8. Considering the aforesaid factual submission and by taking note of fact as allegation *qua* committing rape/penetrative sexual assault is specifically available against petitioner in terms of statement of victim as recorded under Section 183 of the BNSS, coupled with the fact as allegation of pushing victim into flesh trade is also available, accordingly, the prayer for bail of the petitioner stands rejected.

9. Learned Trial Court is directed to conclude the trial, positively, within timeline as preferred under Section 35(2) of the POCSO Act, failing which petitioner may renew his prayer of bail, if so advised.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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