IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55117 of 2026

CNR No. BRHC010782172026

Arising Out of PS. Case No.-83 Year-2026 Thana- BHAWANIPUR District- Purnia

==========

Prahlad Jaiswal @ Manoj Jaiswal @ Prahlad Kumar Jaiswal S/O Late Ramavtar Jaiswal R/O Village- Gunda Chowk, P.S.- Sadar, Distt.- Purnea.

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr.Rana Hason, Advocate
For the Opposite Party/s : Mr.Madhura Nand Jha, APP
Ms. Renu Kumari, Advocate
Mr. Shailesh Kumar, Advocate

==========

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

4 28-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 140 (3) of the Indian Penal Code.

3. The case of the prosecution, in brief, is that the daughter of the informant, aged about 21 years, had gone to cut grass on 05.03.2025 but did not return. The informant searched for her, and two days prior to 31.03.2026, he came to know that his daughter was being kept captive in a house. Thereafter, on 31.03.2026, the informant, along with the villagers, reached Gunda Chowk, where he found his daughter in a house.

WEB COPY

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. It is further submitted that, from a perusal of the FIR, it is evident that the daughter of the informant had been missing for about thirteen months, but no missing report or case was lodged by the informant during that period. It is further submitted that, although the informant allegedly came to know two days prior to 31.03.2026 that his daughter was being kept captive in a house, the FIR was lodged after a considerable delay.

5. Learned counsel for the petitioner further submits that, from a perusal of the statement of the victim recorded under Section 183 of the BNSS, she stated that she had gone with one Noor Muhammad, who sold her to the petitioner. She was thereafter made to perform household work at the house of one Rajesh at Bhagalpur and was subsequently sent to the house of the petitioner. She has alleged that the petitioner committed rape upon her while she was working as a domestic help. It is further submitted that, on 29.03.2026, her neighbour arrived there and, on 31.03.2026, the victim was rescued with the assistance of the administration.

6. Learned counsel for the petitioner further submits

WEB COPY

that the medical examination report does not support the allegation of sexual assault. As per the report, no external injuries were found on the body or in and around the private parts of the victim. On perineal examination, the hymen was found torn and the vaginal canal was lax. A vaginal swab was taken and sent for histopathological examination. The report of the pathologist, GMCH, Purnia, records that spermatozoa were not present. The doctor has opined that, on the basis of the clinical examination and the findings recorded, there was no sign of sexual assault at the time of examination. It is further submitted that the petitioner is aged about 62 years and has been in custody since 18.04.2026.

7. Learned counsel appearing on behalf of the informant has vehemently opposed the prayer for bail, submitting that the petitioner is an influential person and there is a specific allegation against him of committing rape upon the daughter of the informant.

8. Learned APP appearing for the State has opposed the prayer of regular bail.

9. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on

WEB COPY

bail in connection with Bhawanipur P.S. Case No. 83 of 2026 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea/concerned Court, subject to the condition that :-

(i) The petitioner shall co-operate with the trial and shall remain physically present on each and every date fixed by the Court;

(ii) One of the bailors shall be a near relative of the petitioner.

(Ashok Kumar Pandey, J)

Jagdish/-

U		T	

WEB COPY