

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55156 of 2025

Arising Out of PS. Case No.-270 Year-2025 Thana- KONCH District- Gaya

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Dhiraj Kumar S/o Shankar Paswan @ Shanker Resident of Village - Bathani,
P.S. - Konch, District - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Birju Das, S/O- Sahvir Das R/O Village- Bathani, P.S.- Konch, District- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Prabhat, Advocate
For the Opposite Party/s	:	Mr. Abhay Kumar Roy, APP
For the Informant	:	Mr. Ravi Shankar Ray, Advocate

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 02-02-2026 Heard learned counsel for the petitioner and learned APP for the State as also learned counsel for the informant. Perused the case diary.

2. The petitioner seeks bail in connection with Konch P.S. Case No. 270 of 2025 instituted for the offence under Sections 65(1) & 70(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 & 6 of the POCSO Act.

3. Prosecution case in short is that while the victim went to attend natural call, co-accused, namely, Purushottam Kumar, allegedly committed rape with her. It is alleged that petitioner was holding the legs of the victim.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 13.05.2025. Petitioner bears no criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is delay of two days in lodging the FIR. Petitioner was not seen fleeing away from the spot, which demonstrates the false implication of petitioner. Victim has denied for her medical examination. It is lastly submitted that petitioner has no concern with the alleged occurrence in any manner.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. As per statement of the victim recorded under Section 183 of the BNSS, 2023, victim has supported the prosecution case. Charge sheet has already been submitted in this case under Sections 65(1) & 70(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 & 6 of the POCSO Act.

7. Considering the aforesaid facts and circumstances of the case, taking into account the fact that victim is minor and charge-sheet is submitted in this case under Sections 65(1) & 70(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 & 6 of the POCSO Act, this Court, for the present, is not inclined to



enlarge the petitioner on bail. Prayer for bail is hereby *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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