IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60068 of 2026

CNR No. BRHC010827072026

Arising Out of PS. Case No.-610 Year-2025 Thana- WARISLIGANJ District- Nawada

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Gopal Kumar, son of Late Bilat Yadav, resident of Village - Shekhopur, PS. - Barh, Dist. -Patna.

... ... Petitioner/s

Versus

1. The State of Bihar
2. XXX, daughter of YYY, r/o Village - Khanapur, P.S. - Varshiliganj, Dist. - Nawada.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Suresh Singh, Advocate
For the State : Mr. Binod Kumar, APP
For the Informant/s : Mr. Sanjay Kumar Ojha, Advocate
Mr. Ved Prakash Chandan, Advocate
Mr. Govind Lal Pandit, Advocate

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

4 20-11-2026 Heard learned counsel for the petitioner; learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Spl. POCSO Case No. 63 of 2026 arising out of Varshaliganj P.S. Case No.610 of 2025 dated 28.11.2025, instituted for the offence punishable under Sections 137(2) of the *Bharatiya Nyaya Sanhita*, 2023, in which charge-sheet has been submitted under Sections 137(2), 96, 64, 144 of the *Bharatiya Nyaya Sanhita*, 2023, and Section 4 of the Prevention of Children from Sexual Offences Act.

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3. The informant has alleged that his daughter aged about 17 years had gone to Women's College, Varsaliganj with her cousin on 27.11.2025, but she did not return. She had kept a mobile with herself which was switched off.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the sister of the petitioner has been married in the village of the informant and the brother-in-law of the petitioner was a middle man, who had fixed a marriage, but due to some reasons, the marriage could not continue. The petitioner and the victim both were chatting on mobile, which is apparent from the CDR records. It is further submitted that there is no proof of any sexual assault, since the victim herself has refused to undergo the medical examination. It is further submitted that the victim and the petitioner had fled away. Further submission is that the statement of the victim recorded under Sections 180 and 183 of BNSS is under the undue pressure of the father of the victim. Lastly, it is submitted that the petitioner is in judicial custody since 30.11.2025, having one criminal case against him and charges have already framed.

5. Learned APP as well as learned counsel for the informant have opposed the prayer for bail and submitted that

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there is specific allegation against the petitioner in the statement of the victim recorded under Section 183 of the BNSS in which the victim has clearly stated that the petitioner had kidnapped her and forcibly committed rape with her. He is not entitled to regular bail. It is also submitted that the petitioner has one criminal antecedents of same nature and he is habitual offender of the same offence.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties and statement of the victim recorded under Section 183 of the BNSS as well as criminal antecedents of the petitioner relating to same nature of offence, I am not inclined to grant bail to the petitioner.

7. Accordingly, prayer of the petitioner for grant of bail is rejected.

8. Learned Trial Court is directed to expedite the trial and take all endeavour to conclude the same as early as possible, preferably, within a period of one year from the date of receipt/production of a copy of this order.

9. The application stands dismissed.

(Khatim Reza, J)

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