

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62675 of 2025

Arising Out of PS. Case No.-100 Year-2025 Thana- SHAMBHUGANJ District- Banka

Gautam Kumar S/o- Vidya Prasad Singh Resident of Parhariya (Pararia) P.S-
Shambhuganj, Dist- Banka

... .. Petitioner/s

Versus

1. The State of Bihar

2. “X”, Village- Parhariya (Pararia) Ps- Shambhuganj Dist- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

For the Informant : None

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 02-02-2026

Heard learned counsel for the petitioner, learned

APP for the State and perused the case diary. Despite valid service of notice, none appeared on behalf of the informant.

2. The petitioner seeks bail in connection with Shambhuganj P.S. Case No. 100 of 2025, instituted for the offences punishable under Sections 70(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 4 of POCSO Act.

3. The prosecution case, in short, is that the petitioner along with other co-accused persons has committed rape upon the victim/informant who is a minor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case.



Learned counsel for the petitioner also submitted that the petitioner has been implicated in this case only on the basis of suspicion. It is further submitted that the allegation levelled against the petitioner is false and concocted. The petitioner is in custody since 13.04.2025 and has got one criminal antecedent in which he is on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that witnesses have also supported the case of prosecution in paragraph nos. 8, 16 and 17 of the case diary. It is further submitted that the victim has levelled specific allegation against the petitioner in her statement recorded under Sections 180 and 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. The trial Court is directed to expedite the Trial

(Rudra Prakash Mishra, J)

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