IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61492 of 2026

CNR No. BRHC010881862026

Arising Out of PS. Case No.-396 Year-2025 Thana- PIPRAKOTHI District- East Champaran

==========

Ramesah Rai @ Ramesh Ray son of Late Rajdeo Rai Resident Of Village - Barakurwa, Ps -Piprakothi, District -East Champaran

... ... Petitioner/s

Versus

1. The State of Bihar
2. XXX wife of Md. Jamil Resident Of Village - Tajeyapur, Ps -Piprakothi, District -East Champaran

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Nafisu Zzoha, Adv.
Mr. Nasar Iqbal, Adv.
For the Opposite Party/s : Mr. Murli Dhar, APP
For the Informant : Mr. Md. Raghib Alam, Adv.

==========

CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR

ORAL ORDER

4 29-10-2026 Heard learned counsel appearing on behalf of the petitioner, learned APP appearing on behalf of the State as well as learned counsel appearing on behalf of the Informant.

2. The petitioner seeks regular bail in connection with Piprakothi P.S. Case No. 396 of 2025 registered for offences punishable under Sections 64 of the B.N.S. and Section 4/5 of POCSO Act.

3. As per the prosecution case, on 21.11.2025, at about 2:00 PM, the informant, Altsana Khatoon, alleged that her minor daughter, aged about 13 years, was grazing goats beside the road when the petitioner, Ramesh Rai @ Ramesh Ray,

WEB COPY

allegedly lured her onto his motorcycle and took her towards the Bhakhra River, where he allegedly committed rape upon her. When the victim's family members started searching for her, a passerby informed them that a person had taken the girl on a motorcycle towards Piprakothi. At about 5:00 PM, the petitioner was apprehended near Navodaya School while returning with the victim on his motorcycle. Upon being questioned, the minor victim girl disclosed that the petitioner had committed rape upon her. It is further alleged that a watery substance was noticed on the victim's salwar.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and. It is further submitted that the petitioner has been falsely implicated in the present case on account of local village politics. He further submits that there is a long-standing land dispute between the family of the petitioner and that of the informant, which is the reason for lodging the present FIR against the petitioner. He lastly submits that the petitioner has no criminal antecedent and he is in judicial custody since 23.11.2025.

5. Learned APP appearing on behalf of the State and learned counsel appearing on behalf of the informant vehemently oppose the prayer for regular bail and submit that

WEB COPY

there is a specific and direct allegation against the petitioner of having committed sexual assault upon the minor victim girl, who is aged about thirteen (13) years. They further submit that the petitioner poses a threat to society. It is next submitted that the statement of the minor victim girl under Section 183 of the BNSS could not be recorded due to her unstable mental condition, which is also evident from paragraph Nos. 27 and 36 of the case diary. They further submit that the statements of the witnesses, as recorded in paragraph Nos. 8 and 9 of the case diary, support the prosecution's case. It is also submitted that the charge-sheet has already been filed and the accusation against the petitioner has been found to be true. It is, thus, submitted that, having regard to the nature and gravity of the accusation and the materials available on record, the petitioner does not deserve to be enlarged on bail.

6. Having regard to the facts and circumstances of the case, upon perusal of the case diary, particularly the statements of the witnesses recorded in paragraphs 8 and 9 thereof, which support the prosecution's case, the fact that the charge-sheet has been submitted finding the accusation to be true against the petitioner, and the tender age of the victim girl, who is stated to be about thirteen (13) years, this Court, considering the nature

WEB COPY

and gravity of the accusation and the materials available on record, this Court is not inclined to grant the privilege of regular bail to the petitioner.

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

(Girijish Kumar, J)

Aman/-

U		T	

WEB COPY