IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63208 of 2026

CNR No. BRHC010883312026

Arising Out of PS. Case No.-175 Year-2026 Thana- GOPALPUR District- Gopalganj

==========

Vikash Kushwaha S/o Buni Kushwaha Resident of Village - Rampur Khurd, PS - Gopalpur, District - Gopalganj

... ... Petitioner/s

Versus

1. The State of Bihar
2. XXXX S/o - YYYY R/o- Vill- Sapha, P.S. - Gopalpur, distt.- Gopalganj.

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Dewanand Tiwari, Adv.
Mr. Amresh Kumar Sinha, Adv.
For the State : Mr. Ajay Kumar No.2, APP
For the Informant : Mr. Naresh Prasad, Adv.

==========

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 20-11-2026 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in connection with Gopalpur P.S. Case No. 175 of 2026 lodged on 31.05.2026, for the offence punishable under Sections 63 & 65(1) of the BNS, 2023 and sections 3/4 of the POCSO Act, 2012.

3. As per the prosecution case, FIR has been lodged against the sole petitioner. It has been alleged by the informant that when his minor daughter went for natural call at about 11 P.M. at a nearby place, then the petitioner forcefully kidnapped her and committed rape. Upon noise by the informant's

WEB COPY

daughter, the petitioner fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that it has come during investigation that petitioner used to do agricultural work for the informant. Counsel submits that the allegation made in the FIR and statement of the victim under sections 180 & 183 of the B.N.S.S. are completely different. He further submits that the present case is the result of demand of remuneration by the petitioner. Counsel submits that the petitioner is in judicial custody since 31.05.2026, having clean antecedent. He further submits that charge has already been framed in this case.

5. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the alleged victim (informant' daughter) is aged about 15 years and allegation of rape after kidnapping of the minor daughter of the informant is there against the petitioner in the FIR. He further submits that the allegation made in the FIR has been supported by the victim in her statement under sections 180 & 183 of the B.N.S.S.

6. Learned APP for the State also opposes the prayer for bail of the petitioner but fairly submits that on earlier occasion, case diary has been called for.

WEB COPY

7. Upon perusal of the case diary and going through the statement of the victim under section 183 of the B.N.S.S. as well as medical report, it transpires that there are contradiction.

8. As such, in the present facts and circumstances of the case, let the above-named petitioner be granted bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of District & Additional Sessions Judge-VI-cum Special Judge, POCSO, Gopalganj, in connection with Gopalpur P.S. Case No. 175 of 2026, subject to the conditions as laid down U/s 480(3) of the B.N.S.S., 2023.

(Dr. Anshuman, J)

Divyansh/-

U		T	

WEB COPY