

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63002 of 2025

Arising Out of PS. Case No.-131 Year-2025 Thana- BARHIYA District- Lakhisarai

Sunil Ram, S/O Ravindra Ram, R/O Village- Dumari Gopalpur, P.S-
Barahiya, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. [REDACTED], R/O Village- Gopalpur Ward No. 01,
P.S- Barahiya, Dist.- Lakhisarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Brajesh Sahay, Advocate Mrs. Harshita, Advocate Mrs. Amrita Kumari, Advocate
For the Opposite Party/s :		Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

8 04-05-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection
with Barahiya P.S. Case No. 131 of 2025 registered for the
offence punishable under Sections 75, 351(2) and 3(5) of B.N.S.
and Sections 4, 6, 12 and 14 of the POCSO Act.

3. The case of the prosecution, in short, is that the
petitioner along with other has committed rape with minor sister
of the informant.

4. It is submitted by learned counsel for the petitioner
that petitioner is innocent and has committed no offence. He has
been falsely implicated in the present case. Learned counsel for



the petitioner has submitted that from perusal of the F.I.R. itself it is clear that the occurrence is of January, 2025 whereas the F.I.R. has been lodged in the month of June, 2025 i.e. after six months of the occurrence. It has further been submitted that the delay which has been caused in filing F.I.R. is not explained. It has further been submitted that during course of investigation, the victim has given her statement under Section 183 of the B.N.S.S. wherein she has supported the case of the prosecution and has also named one co-accused Nilu but no case has been filed against Nilu. Petitioner is having no criminal antecedent and he is languishing in judicial custody since 15.06.2025.

5. A report from the learned trial Court was also called for regarding stage of trial from perusal of which it is clear that five out of nine witnesses have already been examined.

6. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the allegation against the petitioner is that of committing rape. He has also relied on a judgment of Hon'ble Apex Court in the case of **X Vs. State of Rajasthan & Anr passed in SLP(Criminal) No. 13378 of 2024** wherein in para- '14', Hon'ble Apex Court has held which is being quoted hereunder:-

14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial



Court or the High Court should be loath in entertaining the bail application of the accused.

7. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail at this stage and, as such, his prayer for bail stands rejected.

8. However, petitioner may renew his prayer for bail after six months.

9. Learned trial Court is directed to dispose of the trial in view of Section 35 of the POCSO Act.

(Ashok Kumar Pandey, J)

lata/-

U		T	
---	--	---	--

