IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66338 of 2026

CNR No. BRHC010921382026

Arising Out of PS. Case No.-298 Year-2025 Thana- MAHISHI District- Saharsa

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Sanjiv Kumar @ Sanjiv Mukhiya Son of Suresh Mukhiya Resident of Village- Laxmipur Dhore, P.S.- Mahishi, District- Saharsa (Bihar).

... ... Petitioner/s

Versus

1. The State of Bihar
2. X Wife of Y Resident of Village- Laxmipur Dhore, Ward No. -5,P.S.- Mahishi, District- Saharsa (Bihar).

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Amarnath Jha, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, A.P.P

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR

ORAL ORDER

3 30-10-2026 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Special POCSO Case No. 142 of 2025 arising out of Mahishi PS P.S. Case No. 298 of 2025 lodged on 06.09.2025, for the offences punishable under Sections 126(2), 115(2), 64(1), 352, 351(2), 351(3) and 3(5) of B.N.S, 2023 and under Sections 4 and 6 of POCSO Act, 2012 pending in the Court of learned Special Judge POCSO, Saharsa.

3. The prosecution case, in brief, is that on 05.09.2025, the informant took her 17-year-old minor daughter to the doctor due to stomach pain, where the medical

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examination revealed that the girl was 3 months pregnant. It is alleged that the petitioner had been continuously harassing, threatening, and forcibly committing sexual assault against her for nearly a year. It is further alleged that on the night of 18.08.2025, the petitioner entered the victim's house at night to commit sexual assault, whereupon her parents woke up, caught him, and tied him up before police arrived. When the informant went to petitioner’s house to complain, his relatives abused and physically assaulted them.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel for the petitioner further submits that the petitioner is in custody since 14.09.2025 and the charge-sheet has been submitted. The learned counsel for the petitioner lastly submits that there are contradictions in the statements of the victim recorded under Sections 180 and 183 of the Bharatiya Nagarik Suraksha Sanhita (B.N.S.S.), 2023.

5. The learned APP for the State vehemently opposed the prayer for bail of the petitioner.

6. Having heard the parties and taking into account the gravity and heinous nature of offence alleged to be committed against a minor victim, this Court is not inclined to

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grant bail to the petitioner at this stage.

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

(Alok Kumar, J)

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