

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70408 of 2025

Arising Out of PS. Case No.-71 Year-2025 Thana- BARSOI District- Katihar

Rishu Babu @ Md. Rais S/O Md. Sahroj Resident of Vill.- Simalbari, Ward
No. 10, P.S.- Rauta, Dist.- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar

2. [REDACTED] R/O Vill.- Golanda, P.S.- Sudhani, Dist.-
Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md Hussain, Advocate
For the Informant	:	Mr. Sushanta Kumar Das, Advocate
		Mr. Eesha, Advocate
For the State	:	Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 29-01-2026 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 137(2), 96 & 64 of the BNS and under Section 6 of the POCSO Act.

3. The case of the prosecution, in short, is that on 15.04.2025 at 04:00 A.M., the informant found that her minor daughter was not there in her room. After that she started searching her. During course of search, she found the diary of his daughter and there she found a mobile number. She went to the house of friend of her daughter and she came to know that one Rishu Babu (petitioner) has given his mobile number and the daughter of the informant was on talking terms with the petitioner.



During course of investigation the victim was recovered and she has given her statement under Section 183 of the BNSS wherein she has stated that she was on talking terms with a boy since 2024 through Instagram. His name was Md. Rais a resident of Purnea. He introduced himself to the victim of this case as Rishu Babu. After that they started talking. He called her to Barsoi. On 16.04.2025 she went out of her house without informing anyone. After that, the petitioner took her to Katihar railway station. He enticed her to follow him and she was brought to Purnea. She was kept in a rented room. She started living there. It is further alleged that in that room, the petitioner has established forceful physical relationship with the victim. Later on she came to know that the petitioner is Muslim who has introduced himself to her as Hindu. She has further stated that she was kept in that room for five days. She called at her house. It is further alleged that the petitioner dropped her to her house on 23.04.2025.

4. Learned counsel for the petitioner submits that medical examination of the victim was conducted and from the medical examination of the victim it is clear that the Doctor conducting medical examination has opined that age of the victim is 19-20 years and on external examination no injury was found. On internal examination (i) Vaginal canal loose (ii) Hymen old and torn. The Doctor has opined that she has undergone sexual



intercourse. Learned counsel for the petitioner has submitted that it is a case of affair and as the Doctor has opined that the age of the victim is 19-20 years; no offence is made out against the petitioner. Learned counsel for the petitioner has further submitted that the petitioner is having no criminal antecedent and he is in judicial custody since 24.04.2025.

5. Learned counsel for the informant is present and he has vehemently opposed the bail and has stated that the petitioner has cheated the victim by posing himself as Rishu Babu whereas his actual name is Md. Rais.

6. Perused the statement of the victim under Section 183 BNSS wherein she has stated that she was subjected to forceful sexual intercourse but medical examination does not support this statement of the victim. Medical examination only supports that there was intercourse with the victim. From perusal of the statement of the victim it is also clear that she has gone herself from her house without disclosing anybody and she followed him till Purnea; started living with him in a room. This shows that there was no force or enticement against her. She herself was interested in the relationship.

7. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in



connection with Barsoi P.S. Case No. 71 of 2025 on furnishing
bail bond of Rs.10,000/- (ten thousand) with two sureties of the
like amount each to the satisfaction of learned D.A.S.J.-VII-cum-
Special Judge POCSO, Katihar.

(Ashok Kumar Pandey, J)

durgesh/-

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

