

Arising Out of PS. Case No.-16 Year-2025 Thana- MAHILA P.S. District- Saharsa

... .. Petitioner/s

Versus

- Opposite Party/s

For the Informant : Mr. Chandra Mohan Jha, Advocate

ORAL ORDER

2. The petitioner seeks bail in connection with Mahila P.S. Case No. 16 of 2025, instituted for the punishable under Sections 70(2), 3(5) of the Bharatiya Anshita, 2023, read with Sections 4, 6 of POCSO Act, 3(1)(r), 3(1)(s) and 3(2)(v) of Scheduled Castes and Tribes of Prevention of Atrocities Act.

3. The prosecution case, in short, is that the petitioner along with other co-accused persons took minor daughter of the informant to Saharsa and committed rape upon her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submitted that the petitioner has been arrested only on the basis of suspicion. It is further submitted that the victim has stated that she and the petitioner were in love and she on her own will made physical relationship with her. The petitioner is in custody since 15.05.2025 and has got no criminal antecedent.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner and submitted that there is specific allegation levelled against the petitioner of committing rape upon the victim. It is further submitted that the victim has supported the prosecution case in her statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. The trial Court is directed to expedite the Trial.

(Rudra Prakash Mishra, J)

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