

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76542 of 2025

Arising Out of PS. Case No.-128 Year-2025 Thana- SALIMPUR District- Patna

Manish Kumar S/o- Umesh Ray @ Umesh Rai Resident of village- Bidhipur
Karauta Po- Khushrupur, PS- Salimpur Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Santu Rai S/o- Late Vishuni Bhagat Resident of village- Bidhipur Karauta
Po- Khushrupur, PS- Salimpur Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mahesh Kumar, Advocate Mr. Robin Kumar, Advocate
For the Informant	:	Ms. Tripti Singh, Advocate Mr. Vishal Prasad, Advocate
For the Opposite Party/s	:	Mrs. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 19-01-2026 Heard learned counsel for the petitioner; learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in connection with Salimpur P.S. Case No. 128 of 2025 registered for the offence punishable under Sections 65(1), 137, 140(3) of the B.N.S., 2023 Sections 4 and 6 of the POCSO Act and subsequently charge sheet has been submitted under Section 65(1), 115(2), 137(1)(b), 140(3), 351(2) of the B.N.S., 2023.

3. The case of the prosecution in short is that the minor daughter of the informant has gone to school, but she did not return for a considerable time. When she returned on



16.05.2025, she was asked where she had gone, and then she disclosed that the petitioner had forcefully boarded her on a bike, tied her hands and legs, taken her to Patna, and established physical relationship with her.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. Learned counsel for the petitioner submits that the victim was missing since 14.05.2025, whereas this case was filed on 17.05.2025. It has been submitted that there is a delay in filing the FIR of three days. It has further been submitted that from the perusal of the medical report, it is clear that doctors have not found any injury on any part of the body of the victim. Learned counsel for the petitioner further submits that during the course of investigation, the victim has stated that she was taken to Patna, where she was subjected to forceful physical intercourse, but the I.O. has not identified that place during the entire investigation. He further submits that a statement has been made in para 3 of the petition that petitioner has no criminal antecedent and he is languishing in judicial custody since 19.05.2025.

5. The application for bail is opposed by the learned



counsel for the informant and the learned APP for the State and submits that during the course of investigation, the victim has given her statement recorded under Section 183 of the BNSS, wherein she has specifically stated that while the victim was going to school, the petitioner, who is an uncle in relation, offered to drop her off at school on his bike; after that, the petitioner did not take her to school rather, he took her to Khushrupur, and from there, her hands and feet were tied, and by a pickup van, she was taken to Patna, where a physical relationship was established forcefully. Learned counsel for the informant further submits that as far as delay is concerned, as the victim has returned on 16.05.2025 and the petitioner happens to be an uncle in relation, they have to muster courage for filing the FIR. From the perusal of the injury report, it is clear that the I.O. has not attached all the enclosures, but part of the injury report has been sent. There is no description of the examination of the private part of the victim. Admittedly, the petitioner is an uncle in relation.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is not inclined to enlarge the petitioner on bail at this stage, however, the petitioner will be at liberty to renew his prayer for



bail after six months, if the trial is not concluded.

7. Learned trial court is directed to expedite the trial
so as to conclude the same within the said period.

8. Accordingly, the bail petition of the petitioner
stands rejected.

(Ashok Kumar Pandey, J)

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