

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75947 of 2025

Arising Out of PS. Case No.-77 Year-2025 Thana- KISHANPUR District- Supaul

Ram Vilash Mukhiya @ Vilash Mukhiya @ Vilash S/O Mangal Mukhiya
Resident of Village- Singihaun Mehasimar, Ward No. 08, Singiawan, P.S-
Kishanpur, District.- Supaul, Bihar- 852138.

... .. Petitioner/s

Versus

- 1. The State of Bihar Bihar
- 2. xxx Wife of yyy Resident of village- kishanpur Bazar, Ps- Kishanpur, Dist-
Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Rashmi, Advocate
Mr. Suresh Pd. Singh No. 1, Advocate
For the O.P. No.2 : Mr. Shashi Sharma, Advocate
For the State : Mr. Md. Matloob Rab, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 16-02-2026 Heard Ms. Kumari Rashmi, learned counsel for the
petitioner assisted by Mr. Suresh Pd. Singh No. 1 , Md. Matloob
Rab, learned APP for the State and Mr. Shashi Sharma, learned
counsel appearing for the Opposite Party No.2.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 70 (2) of B.N.S and Section
04 of POCSO Act.

3. As per the prosecution case, petitioner along with
two co-accused is alleged to have committed gang rape with the
victim.

4. Learned counsel for the petitioner submits that the



First Information Report has been lodged after a delay of two days and the petitioner has been falsely implicated on account of some property dispute. It has also been submitted that no case under the POCSO Act would be made out as after medical examination report her age has been assessed to be between 18-20 years and further no spermatozoa has been found in the vaginal swab and also no sign of physical assault has been found. The present case has been lodged by way of a conspiracy hatched by the informant and her husband along with her neighbour for the purposes of grabbing the properties of maternal uncle in-law, Ram Kishun Yadav, and the petitioner only happens to be an acquaintance and friend of the said Ram Kishun Yadav. Petitioner is in custody since 25.05.2025 and charge sheet has been submitted.

5. Learned APP for the State and learned counsel for the informant vehemently oppose the bail petition on the ground that the victim has been subjected to rape by the petitioner and another person which fact has been categorically stated by the victim in the F.I.R as also in her statement under Sections 180 and 183 of the B.N.S.S.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that the



victim has herself supported her case as stated in the First Information Report in her statement made before the police and also before the Magistrate, this Court is not inclined to grant bail to the petitioner.

7. However, the learned trial court is directed to expedite the case.

(Soni Shrivastava, J)

vashudha/-

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