

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78099 of 2025

Arising Out of PS. Case No.-162 Year-2024 Thana- RIGA District- Sitamarhi

Gulshan Kumar Son of Mohan Ray Resident of Village - Bhupbhairo, Police
Station - Sitamarhi, District - Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chanchla Devi Wife of Vikki Ray R/o Village - Ramnagar Virta, Police
Station - Riga, District - Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-01-2026 Heard Mr. Ashutosh Kumar Mishra, learned
counsel for the petitioner and Mr. Ajay Kumar No.2, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
01.06.2024 in connection with Riga P.S. Case No. 162 of 2024,
F.I.R. dated 30.05.2024 for the offences punishable under
Sections 376(A)(B) of the Indian Penal Code and Section 4/6 of
the POCSO Act.

3. According to prosecution case, this petitioner has
committed rape of 2 year old daughter of the informant.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. The allegation as alleged in the F.I.R is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the informant is not the eye witness of the alleged occurrence and the petitioner has been made accused merely on the basis of suspicion. Apart from the aforesaid, there is no record to suggest that the spermatozoa of the petitioner was found at the private part of the alleged victim girl while she was medically examined on the same day. He has been made accused because he is brother-in-law of Dipu Ray who is agnate of the informant.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that there is very serious allegation against the petitioner in the F.I.R that he has committed rape of 2 year old daughter of the informant. The medical report as well as F.S.L report also supports the case of the prosecution. The charge has been framed against the petitioner and the trial is going on. There is direct and specific allegation of rape against the petitioner.

6. Considering the aforesaid facts and circumstances that there is direct and specific allegation against the petitioner that he has committed rape of 2 year old daughter of the



informant supported by the medical as well as F.S.L report, I am not inclined to enlarge the petitioner on bail in connection with Riga P.S. Case No. 162 of 2024 pending in the court of learned District & Additional Sessions Judge-IV-cum-Exclusive Special Judge (Rape & POCSO Act), Sitamarhi.

7. Prayer is refused.

8. However, learned Trial Court is directed to expedite and conclude the trial at the earliest.

(Rajesh Kumar Verma, J)

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