

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84698 of 2025

Arising Out of PS. Case No.-38 Year-2024 Thana- MAHILA PS District- Gaya

Uday Kumar @ Uday Yadav Son of Badho Yadav Village- Lemboya PS-
Roushanganj, Dist- Gaya Petitioner/s

Versus

1. The State of Bihar
2. XX YY Village- Lemboya PS- Roushanganj, Dist- Gaya
... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok, Advocate Mr. Ajay Kumar Sinha, Advocate
For the State	:	Mr. Sanjay Kumar Pandey, APP
For the Informant	:	Mr. Priya Ranjan, Advocate Mr. Mukesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 19-02-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the Informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 115(2), 126(3), 352, 351(2), 64 & 3(5) of the BNS and under Sections 4 & 6 of the POCSO Act.

3. The case of the prosecution, in short, is that the petitioner misbehaved with the informant and when her family members came, petitioner threatened them of dire consequences. It is further alleged that earlier when the informant was alone at her house, the petitioner entered in her house and forcible established physical relationship with her. The informant has specifically stated that the physical



relationship was established on the point of gun whenever the informant raised alarm her mouth was gagged.

4. Learned counsel for the petitioner submits that from perusal of the FIR it is clear that according to the FIR the petitioner has established physical relationship with the informant on 08.07.2024 whereas the FIR has been lodged on 21.07.2024. Learned counsel for the petitioner has further submitted that during course of examination the victim has given her statement under Sections 180 and 183 of the BNSS. In her statements under Sections 180 and 183 BNSS, there is contradiction. It has further been submitted that from perusal of medical examination report it will transpire that the Doctors have opined that there is no evidence of recent sexual intercourse, however, rape cannot be denied. Learned counsel for the petitioner has submitted that the petitioner is having no criminal antecedent and he is languishing in judicial custody since 25.09.2025.

5. Countering this, learned counsel for the informant has vehemently opposed the bail and has stated that the informant has stated in the FIR that the petitioner has established forceful physical relationship with her and that the statement has been reiterated by her during course of



investigation in her statement under Sections 180 and 183 of the BNSS. It has further been submitted that from perusal of the medical examination report it will transpire that the medical has been conducted on 21.07.2024 whereas the alleged forceful relationship was established on 08.07.2024. So the opinion of the Doctor that there is no evidence of recent sexual intercourse is right to some extent. It has further been submitted that from perusal of the entire report it will transpire that the Doctor has found Hymen ruptured at 6 o' clock position.

6. It is not the case of the prosecution that the victim is a married lady. This goes to show that physical relationship has been established with her and the statement of the victim in the FIR and under Sections 180 and 183 of the BNSS corroborates the same.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, I am not inclined to grant bail to the petitioner at this stage, however, he may renew his prayer for bail after six months if the trial is not concluded. Learned trial court is directed to expedite the trial.

(Ashok Kumar Pandey, J)

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