

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84908 of 2025

Arising Out of PS. Case No.-183 Year-2025 Thana- MOHAMMADPUR District- Gopalganj

Akshay Kumar @ Akshay Manjhi S/O Jitendra Manjhi R/O Village-
Sidhwalia, P.S- Mohammadpur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. 'X' D/O Sachidanand Manjhi R/O Village- Sidhwalia, P.S- Mohammadpur,
Distt.- Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Verma, Advocate
		Mr. Vyas Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 17-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Mohammadpur P.S. Case No. 183 of 2025 registered for the offence punishable under Section 65(2) of the B.N.S., 2023 and Sections 4, 8 of the POCSO Act.

3. The case of the prosecution, in short, is that the petitioner entered the house of the informant, who is a minor girl, while she was alone and committed rape 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, no such occurrence has taken place. He also submits that during the course of the investigation, the victim has given her statement recorded under Sections 180 and 183 of the BNSS. In her statement recorded under Section 180 of the BNSS, she stated that the petitioner entered her house on the pretext of demanding chili powder and after that closed the door from inside and committed rape and in her statement recorded under Section 183 of the BNSS, she also stated the same thing. He also submits that in the FIR, it is stated that the petitioner entered the house and committed rape, whereas during the investigation, this story has been developed that the petitioner entered on the pretext of demanding chili powder. Moreover, 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 31.08.2025.

5. The application for bail is opposed by the learned APP for the State and submits that the FIR is not the encyclopedia of the case of the prosecution and the victim has only explained the case and has not developed it and from perusal of the medical examination report also, it transpires that the doctor conducting the medical examination of the victim has found the hymen not intact, though there was no external injury



over the personal area. The learned APP further submits that there is a direct allegation against this petitioner of entering into the house and committing rape with the victim.

6. Learned counsel for the petitioner submits that there is a delay in filing of the FIR, but countering this, the learned APP for the State submits that it is a case of village background and this delay has been caused as the father of the informant was not at home.

7. 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 in the said period.

8. Learned trial court is directed to expedite the trial in view of the Section 35 of the POCSO Act and conclude the same in the prescribed period.

(Ashok Kumar Pandey, J)

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