

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84653 of 2025

Arising Out of PS. Case No.-166 Year-2025 Thana- DHANAHA District- West Champaran

Munna Ansari @ Munna Alam S/O Jagir Ansari @ Jahid Ansari Resident of
Village- Tirlokpur Khurd, P.S- Padrauna, District- Kushinagar, Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar
2. X S/O Y R/O Village- Devipur Jogitola, P.S- Dhanaha, Distt.- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Niraj Kumar Sharma, Advocate
For the State	:	Mr. Raj Kishor Singh, APP
For the Informant	:	Ms. Preeti Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 24-03-2026 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 Dhanaha P.S. Case No.166 of 2025 registered for the offence punishable under Sections 64(1), 65(1), 70(2) and 3(5) of B.N.S. and Sections 4 and 6 of the POCSO Act.

3. The case of the prosecution, in short, is that while the minor daughter of the informant was cooking at her house, she received a call and went. The informant went to the house of his neighbour Nawami Kushwaha for searching the minor daughter. They started scuffling with him. After that, he called on mobile no. 9793863965 and his daughter answered that the petitioner along



with others has enticed and called her from the house and she is at Ghodha. When the informant reached there, he found that his daughter was bleeding. On being asked, she disclosed that Munna called her in banana field and four persons have committed rape with her due to which she is bleeding.

4. It is submitted by learned counsel for the petitioner that petitioner is innocent and has committed no offence. He has been falsely implicated in the present case. It has further been submitted that during course of investigation, the victim has given her statement under Section 183 of the B.N.S.S. wherein she has stated that one Chandani Kushwaha has called her and she has gone with her. Chandani left her and four persons committed rape with her. She identifies only three persons. They are Munna, Angesh and Pintu. It has further been submitted that the doctors conducting medical examination have not found any sign of rape. It has also been submitted that from perusal of para '91' of the case diary it will also transpire that from the mobile of the informant no call was made on the mobile of Chandani @ Guddi, as such, the genesis of occurrence itself becomes doubtful. Petitioner is languishing in judicial custody since 26.05.2025.

5. Countering this, learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail. Learned counsel for the informant has submitted that



it is a case of gang rape and from perusal of the medical examination report it will transpire that the occurrence is of 25.05.2025 and the medical examination of the victim was conducted on 28.05.2025. Though, the doctors have opined that according to above physical and pathological examination there is no recent evidence of sexual assault but the doctors have found that hymen ruptured. It has also been submitted that the victim was aged about 15 years. She was overpowered by four persons and rape was committed with her, she was having no opportunity to resist even.

6. Report has also been called for from the learned trial Court. From the report of learned trial Court, it is clear that till today altogether five witnesses have been examined. Learned counsel for the petitioner has informed this Court that even the victim has been examined in the trial Court.

7. Learned APP for the State has also relied on a judgment of Hon'ble Apex Court in the case of **X Vs. State of Rajasthan & Anr passed in SLP(Criminal) No. 13378 of 2024** wherein in para- '14', Hon'ble Apex Court has held which is being quoted hereunder:-

14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.



8. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail at this stage and, as such, his prayer for bail stands rejected.

9. However, the learned trial Court is directed to expedite the trial and conclude the same within a period of three months as the petitioner is in judicial custody since 26.05.2025 and Section 35 of the POCSO Act provides that trial of such offence should be concluded within a period of one year.

10. Petitioner is at liberty to renew his prayer for bail if the trial is not concluded within the stipulated period.

(Ashok Kumar Pandey, J)

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