

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87274 of 2025

Arising Out of PS. Case No.-125 Year-2025 Thana- BARACHATTI District- Gaya

Bipin Kumar Son of Murari Singh @ Krishna Murari Singh Resident of
village- Haraiya, Ps- Barachatti, Dist- Gaya Petitioner/s
Versus

1. The State of Bihar bihar
2. XXX Wife of Birbal Bhuiyan Resident of village- Haraiya, Ps- Barachatti,
Dist- Gaya
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh, Advocate
For the Opposite Party/s : Mr.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 24-02-2026 Heard learned counsel for the petitioner, informant
and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 65 (1) of the BNS, 2023, Section 4 & 6 of the POCSO Act and Sections 3 (2) (va) of the Schedule Caste/Schedule Trive (Prevention of Atrocities), Act.

3. The case of the prosecution is that the petitioner has taken the minor daughter of the informant in a newly constructed house and there committed rape with her on a gunpoint. It is further alleged that the victim was threatening of dire consequences and due to this act the victim was under stress and she was only weeping and on being repeatedly asked, she disclosed the occurrence.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. It is further submitted that the alleged occurrence took place on 04.04.2025 whereas the FIR was lodged on 07.04.2025, after delay of three days, for which no satisfactory explanation has been furnished. It is further submitted that from perusal of the medical examination report, it transpires that the doctor has opined that there is no recent sign of sexual intercourse, however, it has also been mentioned that the rape cannot be denied. The age of the victim has been assessed to be above 19 years. Therefore, in view of the medical age assessment, the provisions of the POCSO Act are not attracted in the present case. It is also submitted that in this case FSL team visited the place of occurrence twice but did not find any incriminating material against the petitioner.

5. Learned counsel for the informant has vehemently opposed the prayer of regular bail, submitting that during the course of investigation, the victim given her statements under Sections 180 and 183 of the BNSS. In her statement recorded under Section 183 of the BNSS, she stated that she was dragged into a house of someone and the petitioner committed rape upon her. She further stated that she could not raise any alarm as



he was threatened. In her statement under Section 180 of the BNSS, she reiterated the same thing.

6. Per contra, learned counsel for the petitioner submits that in the First Information Report (FIR), it is alleged that the physical relationship was established at gunpoint. However, in the statement of the victim under Sections 180 and 183 of the BNSS, there is no allegation that the act was committed at gunpoint. This constitutes a material contradiction in the prosecution case. Moreover, the petitioner is languishing in judicial custody since 13.05.2025.

7. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Barachatti P.S. Case No. 125 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO -cum- District and Additional Sessions Judge – VII, Gaya Ji.

(Ashok Kumar Pandey, J)

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