

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88790 of 2025

Arising Out of PS. Case No.-354 Year-2024 Thana- PIRPAINTI District- Bhagalpur

Md. Sameer @ Md. Samir Son of Md. Salim @ Md. Saleem R/O Mirdhabasa,
Parasbana, P.S. - Ishipur Barahat, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX Wife of Y R/o Village - Kishanichak, P.O. - Ammapali, P.S. - Ishipur Barahat, Dist. - Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Ankit Raj, Advocate
For the State	:	Ms. Madhuri Lata, APP
For the O.P. No. 2	:	Ms. Madhu Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

5 21-04-2026 Heard learned Senior Counsel for the petitioner,
learned APP for the State and learned counsel for the O.P. No. 2.

2. The petitioner has preferred this application for grant of regular bail in connection with POCSO Case No. 150 of 2024 (arising out of Pirpainti P.S. Case No. 354 of 2024) registered for the offences punishable under Sections 64, 126(2), 115(2), 351(2) and 352 of the B.N.S. and Section 4 of the POCSO Act.

3. As per the prosecution case, when the minor daughter of the informant was going to college via the railway station, the petitioner caught hold of her from behind, dragged her into a garden, and, after gagging her mouth, committed rape



upon her.

4. Learned Senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It has further been submitted that there is no eye-witness to the alleged occurrence of rape. When the victim allegedly raised an alarm, people quickly gathered at the place of occurrence, indicating that individuals were present in the vicinity of the occurrence. It has also been submitted that the POCSO Act would not be applicable, as is evident from the date of birth mentioned in the admit card of the victim. It has further been submitted that the petitioner is a young boy whose career is at stake, the charge sheet has been submitted and there is no allegation of tampering with the evidence. Moreover, the medical report contains no positive evidence of rape. Lastly, it has been submitted that the petitioner has no criminal antecedent and is in custody since 15.07.2025.

5. Learned APP for the State and learned counsel for the O.P. No. 2 have vehemently opposed the prayer for bail of the petitioner and have submitted that the victim has categorically stated in her statement recorded under Section 183 of the BNSS that the petitioner has done bad with her.

6. Having perused the record and considered the



submission of the parties, the petitioner is alleged to have committed rape upon the victim. Moreover, the status report of the trial court, which was earlier called for by order dated 19.03.2026, indicates that the trial is at its fag end wherein five out of seven charge sheet witnesses have been examined.

7. In view of the aforesaid facts and circumstances, this court is not inclined to grant bail to the petitioner and the same is hereby rejected.

(Praveen Kumar, J)

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