

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88872 of 2025

Arising Out of PS. Case No.-116 Year-2025 Thana- Babarganj District- Bhagalpur

Md. Sakib Son of Salauddin Resident of Village - Hussainabad, P.S. -
Babarganj, Dist. - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. X D/O - Y, resident of vill - Hussainabad, Police station- Babarganj, Dist.-
Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Swati Verma, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 06-05-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 65 (1), 115 (2), 126 (2), 351 (2) (3), 352 and 3 (5) of B.N.S and Sections 4 and 6 of POCSO Act.

3. The case of the prosecution is that the petitioner has committed rape with the minor daughter of the informant. During course of the investigation, the victim has given her statement under Section 183 of the B.N.S.S wherein she has stated that the petitioner has committed rape with her.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Learned counsel for the petitioner has further submitted that from perusal of the medical examination report, it will transpire that the doctor conducting medical examination of the victim has found no physical and chemical injury on her body including the private parts. She was assessed to be between 17-19 years. The doctor has finally opined that there is no evidence of recent sexual intercourse. The occurrence is of 21.06.2025 and medical examination was also conducted on the very next day i.e. on 22.06.2025 despite that doctor has not found any injury on her body including the private parts. The allegation against the petitioner is that he has forcefully committed sexual intercourse with the victim. Moreover, the petitioner is languishing in judicial custody since 22.06.2025 having no criminal antecedent.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the 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 Babarganj P.S. Case No. 116 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 Exclusive Special Judge
(POCSO)-cum- District & Additional Sessions Judge-VI,
Bhagalpur.

(Ashok Kumar Pandey, J)

vashudha/-

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