

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88864 of 2025

Arising Out of PS. Case No.-140 Year-2025 Thana- IMAMGANJ District- Gaya

Upesh Kumar @ Mukesh Kumar S/O Lalan Bharti @ Lalan Kumar R/O
Village - Gangti, P.S- Imamganj, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. [REDACTED] R/O Vill.- Maigra, P.S- Imamganj, Dist-
Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 19-03-2026 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 64(1) of BNS and Sections 4, 6 and 8 of the POCSO Act

3. The case of the prosecution is that the petitioner has committed rape with the informant of this case two months prior to this FIR and on 24.04.2025, he gave her a tablet due to which, the informant started bleeding and she disclosed it to her sister-in-law and after that she was admitted in hospital.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned



counsel for the petitioner has submitted that in this case, trial is in progress and the victim has been examined in this case as PW-3. She has stated in her examination-in-chief that no occurrence has taken place rather she was suffering from fever and she has been to hospital and was suffering from anemia. Polic has not taken her statement rather her signature was taken on a plain paper. She has further stated that prior to this statement, no statement was recorded. Learned counsel has submitted that from perusal of the evidence of victim, it is clear that she has denied the occurrence. It has further been submitted that as per the case of the prosecution, the first act was done two months prior to the occurrence. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 14.05.2025.

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 Imamganj P.S. Case No. 140 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 Additional Sessions Judge-VII, Gaya Ji.

(Ashok Kumar Pandey, J)

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