

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.391 of 2026

Arising Out of PS. Case No.-231 Year-2025 Thana- KESARIA District- East Champaran

Md. Sarfraj Alam @ Sarfraj @ Gorka son of Md. Jafarullah Village
-Kushahar Ward No 2 PS- Kesariya Distt -East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Asraf son of Md. Alam Resident of village- Kushahar, Ward No. 2, Po-
Godi Kusahar, Ps- Kesariya, Dist- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Mohan

Mr. Sanjan Kumar Sharan

Anu Priyadarshni

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 22-04-2026

1. Heard the parties.

2. The petitioner apprehends his arrest in connection
with Kesariya P.S. Case No. 231 / 2025 (Gr. No. 111 / 2025)
dated 03.06.2025 registered for the offence under section 69 / 96
of the B.N.S. 2023 and section 4/6 of the POCSO Act.

3. As per the F.I.R. on 31.05.2025 at 08:00 P.M. the
daughter of the informant was picked up by the petitioner while
she had gone nearby her house to fetch water and later on she
was dropped at 02:00 A.M. (night) near her house and thereafter



the victim narrated to her father that the petitioner -Sarfraj committed rape upon her.

4. Mr. Rajesh Mohan, learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence in the manner alleged. He further submits that it is not a case of kidnapping or abduction, rather there was love affair between the petitioner and the so called victim girl. He next submits that the victim was examined by the medical board and medical board did not find any sign of rape on the victim's body. He also submits that the date of occurrence is 31.05.2025 however the F.I.R. was lodged on 03.06.2025 i.e. after 03 days without any plausible explanation regarding delay.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail and submits that the victim in her statement recorded under section 183 B.N.S.S. has stated that the petitioner forcefully committed rape with her in the field.

6. Regard being had to the submission made by the parties, taking into consideration the fact that the victim is a minor girl aged about 15 years, the statement of the victim recorded under section 183 Cr.P.C., the nature of offence and severity of punishment, I am not inclined to grant anticipatory



bail to the petitioner. The same is rejected.

(Anil Kumar Sinha, J)

praful/-

U		T	
---	--	---	--

