

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12492 of 2026**

Arising Out of PS. Case No.-192 Year-2025 Thana- GOPALPUR District- West Champaran

Ghutuk Miyan @ Ismail Miyan S/o Hanif Miyan R/o Village - Mahesda, P.O -
Sundergawn, P.S - Gopalpur, District - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX W/o YYY R/o Village - Mahesda, P.S - Gopalpur, District - West
Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap

For the Opposite Party/s : Mr. Abhay Kumar Roy

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

- 2 12-03-2026 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel appearing on behalf
of the informant.
2. Call for a legible copy of the case diary along with
injury report of the informant in connection with Gopalpur P.S.
Case No.192 of 2025 from the Court of Sri Arvind Kumar
Gupta, learned Exclusive Special Judge Rape and POCSO Act,
Bettiah, West Champaran.
3. Put up this case on 09.04.2026.
4. There shall be no coercive action against the
petitioner until the anticipatory bail application is finally
adjudicated by this Court, as it has been submitted by the



learned counsel appearing on behalf of the petitioner that petitioner is a person with clean antecedent and from perusal of the allegation as alleged in the FIR, it would manifest that petitioner and the informant were in a consensual relationship and when the child of the informant woke up, the petitioner fled and thereafter the instant FIR came to be instituted after a delay of six days. It is also submitted that the informant in the FIR alleges that after making her children sleep, she also went to sleep without locking the door and petitioner taking advantage of the same entered the house and came to her room, lifted her in his arms and brought her in another room and on the point of knife threatened and raped her. It is submitted that it does not appear probable that petitioner would have been knowing that the door was unlocked on the date of occurrence, this fact also creates a suspicion that petitioner and the informant were in a consensual relationship.

(Satyavrat Verma, J)

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