IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No. 1006 of 2025
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Sunil Oraon, aged about 19 years, Son of Mukesh Oraon, Resident of village-Kuhipath Barwatoli, P.O.-Gunia, P.S.-Ghaghra, District-Gumla, Jharkhand through his mother Tara Oraon, aged about 43 years, W/o Mukesh Oraon, R/o Vill-Kuhipat, Barwatoli, P.O. Gunia, P.S. Ghaghra, Kuhipat, District-Gumla, Jharkhand **…… Appellant**

Versus

1. The State of Jharkhand
2. XXX, R/o Basuwa, Patratoli, PS-Gumla, Jharkhand through her guardian (Father)-Basia Oraon R/o Basuwa Patratoli, PS-Gumla, Jharkhand **..... Respondents**

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant : Mr. Abinav Kumar, Advocate
For the State : Mr. Sanjay Kr. Srivastava, A.P. P

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ORAL ORDER IN COURT

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07/19.08.2026 This Cr. Appeal (SJ) No. 1006 of 2025 has been filed on behalf of the appellant under section 101 (5) of the Juvenile Justice (Care and Protection of Children) Act, 2015 by challenging the order dated 10.09.2025 passed by the learend Additional Sessions Judge-I-cum-Spl. Judge, Gumla in Misc. Criminal Application No. 795 of 2025 by which bail of the appellant has been rejected in connection with Children Court Case No. 13 of 2024 arising out of Gumla P.S. Case No. 61 of 2023 for the offences under sections 366A, 376- DA of the I.P.C and Section 6 of the POCSO Act.

2. It appears that the Co-ordinate Bench (Hon'ble Mr. Justice Rajesh Kumar) of this Court vide order dated 15.07.2026 has referred the matter to Hon'ble the Chief Justice, then the matter be placed before this Court.

3. The prosecution case, in brief, is that on 27.02.2023 the prosecutrix had gone to attend marriage party in the village

which was organized in the house of Bhaiyaram Oraon. After dance party and other function etc. of around 3.00 a.m., The victim girl had moved for home with small children of village namely Sati Oraon, Pradeep Oraon and Veer Bhudhu Oraon. While the victim was on the way to home, the victim noticed that four (04) persons were chasing her and they over powered the victim suddenly and one of them closed the mouth of the victim girl due to which the victim could not cry and was not even in position to speak. The children, who were going with the victim, were assaulted by them and directed to leave the place. Thereafter, they shifted her towards Kohipat Barwa Toli forest at a lonely place. Out of four miscreants two of them forcibly committed rape upon the victim in turn and rest two persons were watchful and waiting for their turn. After committing rape with the victim they fled away. However the victim came to her home and informed about the incident to her parents. On next morning the victim came to know that one of the accused had left the motor cycle in the village who came to Patra Toli for taking it who was caught by the villagers and directed him to call his rest companions, when they came then all three persons were interrogated in presence of her parents and who introduced themselves as Sunil Oraon (i.e. juvenile appellant) and Suresh Oraon and who had committed rape with her and two of them namely Deepu Oroan and Raju Oraon were watching near the P.O.

4. Heard learned counsel for the appellant and learned counsel for the State.

5. It is submitted by the learned counsel for the appellant that earlier prayer for bail of the appellant was rejected vide order dated 02.05.2024 passed in Cr. Revision No. 1444 of 2023

by the Co-ordinate Bench (Justice Subhash Chand as then His Lordship was) of this Court.

Thereafter the prayer for bail of the appellant had also been rejected by this Court vide order dated 18.06.2025 passed in Cr. Appeal (S.J.) No. 46 of 2025.

6. It is further submitted that impugned order passed by the learned Court below is illegal and not sustainable in eye of law. It is submitted that the appellant is innocent and has not committed any offence. It is submitted that the appellant is juvenile and has no criminal antecedent. It is submitted that the appellant has been falsely implicated in this case by the police merely on suspicion. It is further submitted that trial has begun and the victim girl has been examined as P.W.-1. It is submitted that the appellant is in custody since 01.03.2023 i.e. for more than three (3) years and as such, the appellant may be enlarged on bail.

7. On the other hand, learned counsel for the State has opposed the prayer for bail and has submitted that earlier the prayer for bail was rejected by this Court vide order dated 18.06.2025 passed in Cr. Appeal (S.J.) No. 46 of 2025. It is further submitted that the appellant along with other co-accused had committed gang rape upon the victim girl. It is further submitted that the victim girl during trial has fully supported the prosecution case and hence, the prayer for bail of the appellant may be rejected.

8. Having heard learned counsels for both the sides and from going through the records, it appears that there is direct allegation against the appellant in the F.I.R. for committing gang rape upon the victim girl alongwith co-accused, namely, Suresh Oraon, while the victim girl was returning on 28.02.2023 after attending the marriage party.

9. It appears that the trial has begun and four witnesses have already been examined and even evidence of the victim girl has also been enclosed.

10. It has also been pointed out that the trial is going on, but learned counsel for the appellant has insisted for hearing the matter on merit.

11. It appears that the victim girl i.e. P.W.-1 has fully supported the prosecution case against the appellant for committing gang rape upon her along with one Suresh and she has also been cross-examined and she has supported the allegation of rape against her by the appellant and other co-accused and the appellant is a mature person.

12. Considering the evidence of the victim girl, this Court is not inclined to enlarge the appellant on bail. Accordingly, prayer for bail of the appellant is, hereby, rejected at this stage.

However, learned Trial Court i.e. learned Additional Sessions Judge-I-cum-Spl. Judge, Gumla is directed to conclude the trial as expeditiously as possible.

12. Thus, this Cr. Appeal (SJ) No. 1006 of 2025 is, hereby, dismissed.

13. Call for the report from the learned Trial Court below that whether any interim compensation under the provisions of victim compensation scheme has been paid to the victim girl or not ?

14. Let the copy of this order be sent to the learned Trial Court for the needful.

(Sanjay Prasad, J.)

Dated 19.08.2026
Kamlesh/Shahid