

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20206 of 2024**

Arising Out of PS. Case No.-626 Year-2023 Thana- BRAHMPUR District- Buxar

RAHUL KUMAR SINGH @ RAHUL KUMAR @ RAHUL SINGH, S/o
Baban Singh, R/o Village Ariyaon, P.S.Krishnabrahm, District Buxar

... .. Petitioner/s

Versus

1.THE STATE OF BIHAR
2. Victim-X, D/o Jairam Mahto, R/o Village Ariyaon, P.S.Krishnabrahm,
District Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Singh

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

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

CAV ORDER

6 18-07-2024

I have already heard both the parties.

2. This is an application for regular bail on behalf of the petitioner for the offences alleged under Sections 376(D) of the Indian Penal Code and Section 4 of the POCSO Act, registered in connection with Brahampur (Krishna Brahm) P.S.Case No. 626 of 2023.

3. The informant, who herself is the victim, is the minor girl. She lodged FIR, stating therein that the petitioner and another co-accused, Sundram Singh forcibly got her seated on a motor-cycle. They brought her to the bush area and committed rape upon her, one by one.



4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Co-accused was the relative of the victim and he was a friend of this petitioner and it was the reason for his false implication in this case. The petitioner, as submitted, was not at the spot at the time of occurrence. It has further been submitted that the victim refused for her medical examination. It is also submitted that co-accused committed suicide in the observation home.

5. On the other hand, the learned APP for the State has opposed the prayer for bail by submitting that the date of birth of the victim, as per school certificate, is 01.07.2008, as such, she was approximately 15 years of age at the time of occurrence. She has specifically stated that both the accused persons committed rape upon her, one by one. In her statement under Section 164 of the CrPC, the victim has fully corroborated the allegation. The accused persons also threatened to kill her and her brother, had she disclosed the occurrence to anyone.

6. Considering the above facts and circumstances of the case as well as the fact that the victim is a minor girl and she has supported the occurrence in her statement under Section 164



of the CrPC, I am not inclined to grant the petitioner the
privilege of bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

HR/-

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