

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42461 of 2024

Arising Out of PS. Case No.-57 Year-2024 Thana- KHAIRA District- Jamui

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1. Rupesh Kumar @ Rupesh Ray S/o Late Prakesh Roy R/o vill - Lalmatiya, P.O. - Khadigram, P.S. - Barhat, Distt. - Jamui
 2. Sunil Ray S/o Baldeo Ray R/o vill - Lalmatiya, P.O. - Khadigram, P.S. - Barhat, Distt. - Jamui
 3. Birendra Ray S/o Raju Ray R/o vill - Lalmatiya, P.O. - Khadigram, P.S. - Barhat, Distt. - Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunaina Devi W/o Upendra Ray R/o vill - Dhaw (Ghatwari), P.S. - Khaira, Distt. - Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Madhuri Lata, APP
For the Informant	:	Mr. Ranjeet Patel, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 24-10-2024 Heard learned counsel for the petitioners, learned APP for the State, learned counsel for the informant and perused the case diary.

2. The petitioners seek bail in connection with POCSO Case No. 32 of 2024, arising out of Khaira P.S. Case No. 57 of 2024 instituted for the offences under Sections 376D of the Indian Penal Code and 4, 6 of the POCSO Act.

3. Allegation against the accused persons including these petitioner is of commission of rape upon the informant's



daughter.

4. Learned counsel for the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case due to ulterior motives. Learned counsel further submitted that victim in her statement recorded under Section 164 of the Cr.P.C. has not uttered anything against these petitioners. Learned counsel further referring to medical report submitted that no spermatozoa was found and also that it is not clear whether the intercourse was forceful or not. It has been submitted on behalf of the petitioners that the petitioners are in custody since 12.02.2024 and have no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioners. Learned counsel further submitted that police after investigation submitted charge-sheet under Section 376D of the Indian Penal Code and Sections 4, 6 of the POCSO Act. Learned APP further submitted that victim in her statement recorded under Sections 161 and 164 of the Cr.P.C. has corroborated the contents of the FIR.

6. Having considered the rival submissions made on behalf of the parties and the material available on record and since the allegations are grave in nature, this Court is not



inclined to grant bail to the petitioners.

7. Prayer is rejected.

8. Learned trial Court is directed to conclude the trial in an expeditious manner without unnecessary adjournments.

9. The District Magistrate, Jamui and the Superintendent of Police, Jamui are directed to produce the prosecution witnesses as and when required for expeditious disposal of the trial case.

10. Let a copy of this order be communicated to the District Magistrate, Jamui and the Superintendent of Police, Jamui.

(Rudra Prakash Mishra, J)

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