

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50863 of 2024

Arising Out of PS. Case No.-287 Year-2024 Thana- NAUBATPUR District- Patna

Rahul Kumar @ Guddu Kumar S/o Yogendra Prasad R/o vill - Khanpura, P.S.
- Nagar Nausa, Distt. - Nalanda, Present Navrartanpur, P.S. - Kankarbagh,
Distt. -Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Devi W/o Sanjay Sao R/o Tarsan, P.S. - Bhagwanpur, Distt. - Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Krishna Jha, Advocate
For the Opposite Party/s	:	Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Spl.
(POCSO) Case No. 125 of 2024 arising out of Naubatpur P.S.
Case No. 287 of 2024 dated 19.05.2024, instituted for the offence
punishable under Sections 341, 323, 506, 376(D)/34 of the Indian
Penal Code, Section 4/6 of the POCSO Act and Section 27 of the
Arms Act.

3. The prosecution case, in short, is that co-accused
Madan Thikedar and Vijay Yadav assured the informant to employ
her at the house of Krishnandan Yadav at the rate of Rs.18,000 –
20000/- per month. In this regard, the accused persons called the
informant to Dumri Station. Thereafter, the informant along with



her daughter went there, from where she and her daughter were lifted by a four wheeler vehicle in which four more unknown persons were already present. It is alleged that after some time, co-accused Chandrika Mukhiya closed the mouth of the informant and thereafter all the accused persons committed rape with her daughter.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that the present F.I.R. has been lodged against six named accused persons and there is specific allegation against them. The petitioner is not named in the F.I.R. The petitioner has been made accused in this case after 10 days of the occurrence on the basis of restatement of the informant. No overtact has been assigned to the petitioner. Moreover, in the statement of the victim recorded under Section 164 of the Cr.P.C., there is specific allegation against co-accused, namely, Raja and Golu who committed rape with her. In that statement, there is no whisper against the petitioner. The petitioner has been made accused only because he is the cousin of the owner of the scorio. Lastly, it has been submitted that the petitioner is in custody since 23.05.2024 having four criminal cases against him. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the



petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge POCSO cum Addl. District and Sessions Judge-VIIth, Patna in connection with Special (POCSO) Case No. 125 of 2024 arising out of Naubatpur P.S. Case No. 287 of 2024, subject to the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.



IV. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail

(Khatim Reza, J)

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