

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58264 of 2024

Arising Out of PS. Case No.-17 Year-2024 Thana- RUPO District- Nawada

Kundan Kumar Son Of Rajendra Yadav R/V- Vilalge- Rukhi, P.S.- Rupo,
Distt.- Nawada

... .. Petitioner

Versus

1. The State of Bihar
2. Rajesh Yadav Son of Late Bundi Yadav Resident of Village-Jaila, P.S.-Rupo,
District-Nawada.

... .. Opposite Partys

Appearance :

For the Petitioner	:	Mr.Bhola Kumar, Adv
For the Opposite Party	:	Mr.Shahabuddin Azeem @ S. Azeem, APP
For the Informant	:	Mr. Amar Prakash, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 26-09-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Rupo P.S. Case No. 17/2024 dated 26.03.2024 registered for the offence punishable u/s 376D of the Indian Penal Code and sections 4 and 6 of the POCSO Act.

3. As per the prosecution case, the petitioner and the co-accused person are alleged to have committed rape on the minor daughter of the informant one after another.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case. The other co-accused person has already been granted bail by this court *vide* order dated 01.07.2024 passed in Cr. Misc. No. 42901/2024. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 31.03.2024.

5. Learned A.P.P. for the State learned counsel for the informant have vehemently opposed the bail petition of the petitioner by submitting that the victim is a minor girl. The victim in her statement recorded u/s 164 of the Cr.P.C. has stated that, the petitioner and the co-accused persons disrobed her and made her video. The co-accused caught hold of her breast and the petitioner committed rape on her. As per the Medical Report, on the basis of examination, recent sexual intercourse might have been done.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Rupo P.S. Case No. 17/2024 pending in the court of learned 6th Additional Sessions Judge-cum-Special Judge (POCSO Act), Nawada.

7. Learned court below is directed to conclude the



trial of the petitioner at the earliest.

(Chandra Prakash Singh, J)

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