

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60649 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- CHUTIA SAHAYAK District- Rohtas

Ravi Sharma @ Ravi Ranjan Kumar Son of Dilip Sharma Resident of Village
- Tiwara Khurd, P.O. - Parchha, P.S. - Chutiya, District - Rohtas

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. XYZ (The Prosecutrix of Chutiya P.S. Case No. 27/2024)

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Jha, Advocate
For the State	:	Mr. Binay Krishna, APP
For the Informant	:	Mr. Rajni Kant Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 06-12-2024 Heard learned counsel for the petitioner, learned APP for the State as also learned counsel for the Informant and perused the case diary.

2. The petitioner seeks bail in Chutiya P.S. Case No. 27 of 2024, instituted for the offences punishable under Sections 376 (DA), 506 of the Indian Penal Code, Sections 4, 6 of the POCSO Act, Sections 3(1)(r), 3(1)(s) and 3(1)(w)(i) of SC/ST (PoA) Act.

3. The prosecution case, in short, is that, in the night, informant went to defecate and at that time the petitioner along with other co-accused persons committed rape upon her. In the meantime, brother of the informant reached at the place of



occurrence and the accused persons threatened him to go away from there otherwise he will be killed.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submits that there is delay of six days in lodging the FIR. During course of investigation it has also transpired that the informant had love affair with co-accused Upendra Yadav and only he has committed rape upon the informant. It is further submitted that no specific allegation has been attributed against the petitioner. The petitioner is in custody since 03.04.2024 and has got no criminal antecedent.

5. Learned APP for the State and learned counsel for the Informant have vehemently opposed the prayer for grant of bail to the petitioner. It is also submitted that there is direct and serious allegation against the petitioner and is also named in the FIR. On perusal of the record it transpires that the victim is minor aged about 13 years. It is further submitted that from perusal of case diary, it is evident that witnesses have supported the case of prosecution. Hence, the petitioner does not deserve the privilege of bail. Prayer for bail of other co-accused has



been rejected by this Court *vide* order dated 19-11-2024, passed in Cr. Misc. No. 64875 of 2024.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. The prayer is *rejected*. The trial Court is directed to expedite the Trial expeditiously.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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