

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66316 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- ARWAL MAHILA District- Jehanabad

Sudhir Kumar @ Sumant Kumar Son of Sikandar Singh R/o Vill.- Pipra
Bangla, P.S.- Arwal, District - Arwal

... .. Petitioner/s

Versus

- 1. The State of Bihar Bihar
- 2. XXXXXXXXXXXX Wife of XXXXXXXXXXXX R/O Vill.- XXXXXXXXXXXX,
P.S.- Arwal, District - Arwal

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Akash Deep
For the Informant	:	Mr. Kamlesh Kumar
		Mr. Pawan Singh
For the Opposite Party/s :		Mr. Umanath Mishra

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 17-12-2024 Heard learned counsel for the petitioner and learned

counsel for the informant as well as learned A.P.P for the

State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Arwal Mahila P.S.
Case No. 02 of 2024 dated 08.01.2024 registered for the
offence/s punishable u/ss 376AB, 504, 506 read with section
34 of the Indian Penal Code and sections 4 and 6 of the
POCSO Act.

3. As per the prosecution case, the petitioner is
alleged to have committed rape on the informant's minor



daughter.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the victim used to go to the petitioner's house to take tuition and a dispute arose between the petitioner and the victim's mother over the payment of tuition fees. The alleged occurrence took place on 06.01.2024 but the FIR was registered on 08.01.2024 and there is no satisfactory explanation of delay. It is further submitted that the medical report does not confirm the recent sexual assault and no spermatozoa were found during the medical examination. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 31.01.2024.

5. Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner. It is further submitted that the victim is a minor girl aged about 10 years and there is specific allegation against the petitioner of committing rape on her. The medical report shows that the hymen layer ruptured with reddish, abrasion of 0.5cm x 1cm at external genital present.

6. Considering the aforesaid facts and circumstances



of the case as well as the specific and heinous nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail petition of the petitioner stands rejected.

7. Learned trial court is directed to expedite the trial and conclude the same at the earliest.

(Chandra Prakash Singh, J)

guddukr/-

U		T	
---	--	---	--

