

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68553 of 2024

Arising Out of PS. Case No.-75 Year-2023 Thana- KAJRAILI District- Bhagalpur

Chhotu Kumar S/o Ramvaran Yadav Resident of vill- Gorachouki, PS-
Kajraili, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sintu Yadav S/o Late Harosi Yadav R/o vill - Gonchouki, P.S. - Kajraili,
Distt. - Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 03-12-2024 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Kajraili P.S. Case No. 75 of 2023 instituted for the offence
under Sections 341, 307, 376, 504, 506 & 34 of the Indian Penal
Code, Section 4 of the POCSO Act and Section 67 of the I.T.
Act.

3. As per prosecution case, the allegation against the
petitioner is of committing rape upon the minor daughter of the
informant and later on uploading the obscene photographs
through social media.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 25-07-2024. Petitioner is a man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that there is delay of eight days in lodging of the FIR. It is submitted that victim has not raised any voice or protested against the petitioner nor the victim has disclosed about committing rape upon her just after the commission of the offence. It is submitted that no obscene photograph has been recovered during entire course of investigation. Learned counsel goes on to submit that medical report does not corroborate the allegation levelled in the FIR.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is fervently submitted that victim in her statement recorded under Section 164 of the Cr.P.C. has fully supported the prosecution case.

7. Considering the aforesaid facts and circumstances of the case and taking into account the fact that there is direct allegation against the petitioner of committing rape upon the minor daughter of the informant, which fact is corroborated by the statement of the victim recorded under Section 164 of the



Cr.P.C., this Court, at this stage, is not inclined to grant bail to the petitioner. Prayer is accordingly *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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