

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69039 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- LAUKARIA District- West Champaran

Rabindra Kumar @ Rabindra Prasad @ Rabindra Kumar Mahato S/O Krishna
Mohan Mahato R/O Village- Majhauwa, P.S- Laukariya, Distt.- West
Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 69264 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- LAUKARIA District- West Champaran

Jiwan Sharma Son Of Tanklal Sharma Resident Of Village - Majhauwa,
Police Station - Laukariya, District - West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 70611 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- LAUKARIA District- West Champaran

Munna Kumar Son Of Paras Mahato R/O Vill - Majhauwa, P.S. - Laukariya,
Distt. - West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 72203 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- LAUKARIA District- West Champaran

Pramod Kumar Son Of Palat Mahato Resident Of Village - Majhauwa, Police
Station - Laukariya, District - West Champaran

... .. Petitioner/s

Versus

The State Of Bihar



... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 73049 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- LAUKARIA District- West Champaran

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Sardar Kumar Son Of Kapildev Mahato Resident Of Village - Majhauwa,
Police Station - Laukariya, District - West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 12665 of 2024

Arising Out of PS. Case No.-53 Year-2023 Thana- LAUKARIA District- West Champaran

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Naresh Kumar son of Khil Kumar Mahato Village- Majhauwa Ps- laukariya
Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Lal Bahadur Uraon son of Gandhi Uraon Village- Sundarpur Ps- laukariya
Dist- West Champaran

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 69039 of 2023)

For the Petitioner/s : Mr. Krishna Kumar Singh

For the Opposite Party/s : Ms. Usha Kumari 1

(In CRIMINAL MISCELLANEOUS No. 69264 of 2023)

For the Petitioner/s : Mr.Krishna Kumar Singh

For the Opposite Party/s : Ms.Usha Kumari 1

(In CRIMINAL MISCELLANEOUS No. 70611 of 2023)

For the Petitioner/s : Mr.Krishna Kumar Singh

For the Opposite Party/s : Ms.Usha Kumari 1

(In CRIMINAL MISCELLANEOUS No. 72203 of 2023)

For the Petitioner/s : Mr.Krishna Kumar Singh

For the Opposite Party/s : Mr.Binay Krishna

(In CRIMINAL MISCELLANEOUS No. 73049 of 2023)

For the Petitioner/s : Mr.Krishna Kumar Singh

For the Opposite Party/s : Mr.Binay Krishna

(In CRIMINAL MISCELLANEOUS No. 12665 of 2024)

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Ms.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

8 19-07-2024 Heard learned counsel for the petitioners and learned A.P.P appearing on behalf of the State.

The petitioners are languishing in custody in a case registered for the offences punishable under Sections 341, 323, 346, 379, 34, 376(DA), 504 of the Indian Penal Code, Sections 4 and 8 of the POCSO Act as well as Sections 3(i)(r)(w) of the SC/ST(POA) Act.

The prosecution case as per F.I.R is that on 06.06.2023 at 8:30 P.M, while the informant and daughter of his brother-in-law(*Sarhu*) were returning from the motorcycle, they were stopped by co-accused Kantlal Mahto and Munna Kumar and thereafter they started beating him in between Majhauwa and Misrauli Pul. The victim sitting on the motorcycle started fleeing away after seeing scuffle. Then the miscreants called their other friends and again started beating him causing head injury. It is further alleged that thereafter the petitioners took away the victim to nearby sugarcane



field. After that the informant left the place to call his relatives of Majhauwa. The informant searched the victim along with his relatives, but all goes in vain. The miscreants kept the victim whole night in the sugarcane field and gang-raped her. Later on, she was found on the road in the morning hours at 3-4 A.M. The victim was taken to the house and then to the hospital. Hence, the present F.I.R.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in this case. The victim in her 161 and 164 Cr.P.C statement has not disclosed the names of the petitioners. The F.I.R has been registered after 18 hours of the alleged occurrence which creates doubt about the authenticity of the case. It is a case of commission of gang-rape against the victim, but the medical report of the victim does not corroborate the case of the prosecution as no spermatozoa was found during medical examination of the victim which creates



doubt about the accusation of gang-rape against the victim. Moreover, no T.I.P has been done till date. The petitioners are languishing in custody since 08.06.2023. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioners and submitted that it is a case of commission of gang-rape against a minor girl. The petitioners are named in the F.I.R. The victim was a minor girl and returning from the house of her relative with the informant, hence, it might be a possibility that she was not aware about the names of the petitioners, however, she has specifically disclosed the complicity of the accused persons in commission of gang-rape against her and the informant who was accompanying the victim girl was known with the names of the petitioners, hence, he registered F.I.R against them and the accusation as levelled in the F.I.R was completely corroborated with



the statement of the victim girl recorded under Section 161 and 164 of the Cr.P.C. Moreover, the regular bail application of other similarly situated co-accused Vinod Kumar @ Vinod Prasad has already been rejected by this Court vide order dated 19.01.2024 passed in Cr. Misc. No. 70186 of 2023.

The Investigating Officer of this case is present in the Court. On queries raised by this Court as to why T.I.P has still not been done in such type of serious offence, he took a lackadaisical approach in reply, which itself exposing the policing system how casually they are dealing with such type of serious offence. Be that as it may, the appearance of the Investigating Officer is dispensed with.

In pursuance to the direction of this Court, a report with regard to the present stage of the case has been received which has been kept at Flag-R. The report of learned Additional District & Sessions Judge-VII-cum-Special Judge, POCSO, Bettiah, West Champaran dated



15.06.2024 suggests that trial will be concluded within three months.

Considering the gravity and seriousness of the offence, this Court is not inclined to grant bail to the petitioners. The prayer for grant of bail to the petitioners stands rejected.

The Trial Court is directed to expedite the trial and conclude the same within the time specified in its report dated 15.06.2024.

The petitioners will be at liberty to renew their prayer for bail, if the trial is not concluded within a period of three months, as stipulated by the Trial Court in its report dated 15.06.2024.

(Sunil Kumar Panwar, J)

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