

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1864 of 2025

Arising Out of PS. Case No.-166 Year-2024 Thana- BARAULI District- Gopalganj

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1. Ajay Ram Son of Dayalal Ram Resident of Village - Sonbarsha, P.S. - Barauli, District - Gopalganj
 2. Deepak Kumar Ram Son of Lalbabu Ram Resident of Village - Sonbarsha, P.S. - Barauli, District - Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lalsa Kumari Daughter of Ramashanker Ram Resident of Village - Sonbarsha, P.S. - Barauli, District - Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Singh, Adv
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, APP
For the Informant	:	Mr. Sushil Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-03-2025 Heard learned counsel appearing on behalf of

the petitioners and learned APP appearing on behalf of

the State.

2. The petitioners seeks bail in connection with

Barauli P.S. Case No. 166 of 2024, POCSO Case No. 57

of 2024 registered for the offences under Section

376(DA) of the IPC and Sections 4 & 6 of the POCSO

Act.

3. Both petitioners are named in the F.I.R. and



are in custody since 25.06.2024.

4. The allegation against the petitioners is to commit rape upon informant, while she went to assist her niece in attending nature's call aged about five years namely Madhumala Kumari. Occurrence as per FIR alleged to be taken place at the distance of 200 metres from the house of victim, in a sugarcane field.

5. Explaining the age of the victim, it is submitted by learned counsel that as per radiological examination she was found between the age group of 19-20 years. It is also pointed out that from Aadhar Card her date of birth appears 18.09.2003, but prima-facie forged certificate was obtained from school, which is not even her first attending school, where date of birth of victim was shown as 18.09.2013 i.e., about ten and half years on the date of occurrence. It is submitted that victim was medically examined on the same day of occurrence i.e., 24.06.2024 at about 7:00 PM just after six hours of the occurrence. It is submitted that if the age



of victim as per school certificate be taken into consideration and also allegations that both petitioners raped her, certainly some medical injuries to be found upon her, particularly in view of physical protest made by her during occurrence, but no injury appears to be found upon her including private part makes entire allegation false on its face. It is pointed out that as per statement of victim as recorded under Section 164 of the Cr.P.C./Section 183 of the BNSS, it appears that Petitioner No. 2 namely Deepak Kumar Ram is her cousin brother and Petitioner No. 1 namely Ajay Ram is co-villager. While concluding the argument it is submitted that petitioners are men of clean antecedent. It is further pointed out that during entire investigation the statement of Madhumala Kumari, who is the niece of the informant and was said to be present at the place of occurrence, who could be the best witness was not recorded. Concluding argument it is submitted that investigation has been already completed, for which, charge-sheet has



been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by learned counsel appearing on behalf of informant, while opposing the prayer for bail submitted that victim categorically supported the occurrence of rape committed upon her by both petitioners through her statement as recorded under Section 164 of the Cr.P.C. It is submitted that allegation is of heinous offence against the petitioners.

7. In view of aforesaid facts and circumstances as mentioned above and by taking note of fact as medical report of victim, which was conducted immediately after five hours of the occurrence, where no sign of injury in and around private part appears to found in the background of claim of physical protest, coupled with the fact as petitioners are in custody since 25.06.2024, where charge-sheet has already submitted, accordingly, both above named petitioners, are directed to be released on bail in connection with Barauli P.S. Case No. 166 of



2024, POCSO Case No. 57 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Vith cum Special Judge, POCSO, Gopalganj/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. /Section 480 (3) of the BNSS.

(Chandra Shekhar Jha, J.)

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