

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1628 of 2025

Arising Out of PS. Case No.-468 Year-2024 Thana- MADHUBAN District- East Champaran

Umashankar Kumar S/O Ram Pravesh Sah Resident of village - Rohuwaman,
P.S- Madhuban, District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Asha Kumari W/O Sri Rajesh Baitha Resident of village - Rohuwaman,
P.S- Madhuban, District - East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

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

ORAL ORDER

4 05-05-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Madhuban P.S. Case No. 468 of 2024 instituted for the offence
under Sections 137(2), 140(3), 70(2) & 3(5) of the Bharatiya
Nyaya Sanhita, 2023, Sections 4 & 6 of the POCSO Act,
Sections 66(E), 67 of the I.T. Act and Section 3(2)(va) of the
SC/ST Act.

3. Prosecution case in a nutshell is that minor
daughter of the informant forcibly carried out by accused
persons and they have committed rape upon her one after
another. It is also alleged that accused have made a video of the



incident.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 07-11-2024. Petitioner bears clean criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is a significant delay of nine days in lodging the FIR without proper explanation, and notably, the petitioner is not named in the FIR nor accused of rape therein. Allegations of rape are specifically against co-accused, namely – Dipansu, Nitesh, Jishu, and Sandeep – and the petitioner's name has surfaced only through the confessional statement of co-accused Sandeep. The victim, in her statement recorded under Section 183 of the BNSS, 2023, has not mentioned the petitioner, nor attributed any role to him in the offence. The petitioner denies any involvement in recording or circulating any video, and contends that the provisions of the POCSO Act do not apply to him as no sexual act is alleged against him.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that witness, namely, Ravindra Kumar, has supported



the prosecution case and has alleged that it is the petitioner who has made the video of the occurrence viral, which fact is mentioned at paragraph No. 7 of the case diary. It is next submitted that co-accused, namely, Sandeep Kumar has confessed that petitioner has taken the video from his mobile phone and has made it viral, which fact finds mention at paragraph no. 56 of the case diary.

7. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence and the materials available on record against the petitioner, this Court, is not inclined to grant bail to the petitioner. Prayer for grant of bail 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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