

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10498 of 2025

Arising Out of PS. Case No.-225 Year-2022 Thana- RAJPUR District- Buxar

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Laxman Kumar S/o Avish Chouhan @ Avish Kumar Chouhan Resident of
Village - Sarenja, P.S. - Rajpur, District - Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Munna Chouhan S/o Ram Keshwar Chouhan Resident of Village - Sarenja,
P.S. - Rajpur, District - Buxar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyamal Prakash, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-04-2025 Heard Mr. Shyamal Prakash, learned counsel for

the petitioner and Mr. Tapeswar Sharma, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
07.08.2022 in connection with POCSO Case No. 77 of 2022
arising out of Rajpur P.S. Case No. 225 of 2022, F.I.R. dated
06.08.2022 for the offences punishable under Section 376 of the
Indian Penal Code and Section 4 of the POCSO Act.

3. Earlier the bail application of the petitioner has been
rejected by this Hon'ble Court vide order dated 06.07.2023
passed in Cr. Misc. No. 20670 of 2023.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the trial has begun and almost all the prosecution witnesses have been examined and they did not supported the prosecution version and apart from that the victim has categorically stated that at the time of occurrence her age was more than 18 years.

5. In view of the aforesaid, learned counsel for the petitioner submits that no case is made out under the POCSO Act.

6. Vide order dated 14.02.2025 a report was called with regard to the present stage of trial. Report of the learned Trial Court dated 20.02.2025 reveals that out of 10 charge sheet witnesses, 6 witnesses have been examined and the case is pending for examination of rest of the prosecution witnesses.

7. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and circumstances, nature of allegation as alleged in the F.I.R supported by the medical evidence, statement of the victim recorded under



Section 164 of the Cr.P.C. / Section 183 of the Bhartiya Nagarik Suraksha Sanhita as well as report of the learned Trial Court, I am not inclined to enlarge the petitioner on bail in connection with POCSO Case No. 77 of 2022 arising out of Rajpur P.S. Case No. 225 of 2022 pending in the court of learned Additional District & Sessions Judge VI-cum-Special Judge, POCSO Act, Buxar.

9. Prayer is refused.

10. However, learned Trial Court is directed to expedite and conclude the trial at the earliest.

(Rajesh Kumar Verma, J)

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