

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5027 of 2025

Arising Out of PS. Case No.-280 Year-2024 Thana- LAHERIMUHALLA District- Nalanda

Sanjay Chaudhary @ Tinku Chaudhary @ Pasiya Son of Late Surendra
Chaudhary Resident of Mohalla- Murarpur, P.S.- Laheri, District- Nalanda
... .. Petitioner/s

Versus

1. The State of Bihar
2. Arjun Yadav Son of Pyare Yadav Resident of Village- Bari Pahari, P.S.-
Laheri, District- Nalanda
... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bipin Kumar Deo, Advocate Mr. Raj Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Rajiv Nayan, APP Mr. Sanjay Kumar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 10-06-2025

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with POCSO Case no.84 of 2024, arising out of Laheri Muhalla P.S. Case no.280 of 2024 registered under section 376 and 379 of the Indian Penal Code and section 4 and 6 of the POCSO Act.

3. As per the prosecution case, the informant states that while he was asleep with his 7 year old niece, unknown accused persons kidnapped her. Soon thereafter, the victim child returned and disclosed that unknown accused persons had misbehaved with her.

4. Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. He was falsely implicated in



the case in course of investigation. The prosecution is mainly relying on the confessional statement of the petitioner made before police. The medical report does not support the prosecution case and the so called T.I. Parade is collusive in nature. The petitioner is in custody since 24.6.2024 and has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P. for the State who submits that the allegation against the petitioner is of having committed rape on the 7 year old child, who has supported the prosecution case in her statement both under sections 161 and 164 of the Cr.P.C. The Medical Board determined the age of the victim to be 8 years and the victim has identified the petitioner in the T.I. Parade.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner of having committed rape on the 8 year old victim who not only supported the prosecution in her statement under section 164 of the Cr.P.C. but also identified the petitioner in the T.I. Parade, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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