

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5055 of 2025

Arising Out of PS. Case No.-433 Year-2024 Thana- BARH District- Patna

Shishupal Kumar son of Awadhesh Shah R/V -Majhauri PS -Salimpur Dist
-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rinku Kumari NA R/V -Majhauri PS -Salimpur Dist -Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Priyanka Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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

ORAL ORDER

4 30-04-2025 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Barh
P.S. Case No. 433 of 2024, instituted for the offences punishable
under Section 376 of the Indian Penal Code, read with Sections
4 and 6 of the POCSO Act.

3. The prosecution case, in short, is that, the petitioner
has forcibly made physical relation for last 6-7 months with
informant's minor daughter and also threatened her.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case.
Learned counsel for the petitioner also submits that there is
delay in lodging the FIR. The informant has falsely lodged this



case against the petitioner just because she left her first husband and at the same time the petitioner refused to marry her. It is further submitted that there is no any eye witness to the said occurrence. The petitioner is in custody since 21.06.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and submits that the petitioner is named in the FIR and there is specific allegation of aggravated penetrative sexual assault against the petitioner being perpetrated on a minor victim aged about 09 years. It is further submitted that the victim in her statement recorded under Section 164 of Cr.P.C. has specifically stated about the abominable act committed by the petitioner upon her. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner at this stage.

7. The prayer is rejected. The trial Court is directed to expedite the Trial.

(Rudra Prakash Mishra, J)

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