

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5808 of 2025

Arising Out of PS. Case No.-385 Year-2024 Thana- DURGAWATI District- Kaimur (Bhabua)

Shankar Kumar @ Shankar Ram @ Ramshankar Ram S/o- Mithu Ram
Village- Dahiyaon Ps- Durgawati Dist- Kaimur at Bhabua

... .. Petitioner/s

Versus

1. The State of Bihar
2. X, Village- Darauli Ps- Durgawati Dist- Kaimur at Bhabua

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s :	Mr. Nityanand Tiwari, APP
For the Informant :	Mr. Kumar Sunil, Advocate

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

ORAL ORDER

5 05-05-2025 Heard Mr. Tribhuwan Narayan, learned counsel for the petitioner, Mr. Kumar Sunil, learned counsel for the informant and Mr. Nityanand Tiwari, learned APP for the State.

2. The petitioner seeks bail in connection with Durgawari P.S. Case No. 385 of 2024 instituted for the offences under Sections 34 of the BNS and 4/6 of the POCSO Act.

3. Accusation against the petitioner is of commission of rape upon the victim girl.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has falsely been implicated in the present case due to ill motive. Learned counsel further submitted that medical examination of the victim was done on



the next date of the commission of offence and, as per the medical report, no any sign of rape was found and no injury of physical violence was detected and, as such, the medical evidence does not support the allegation as alleged in the FIR as also in the statement of the victim recorded under Section 183 of the BNSS. It has been submitted on behalf of the petitioner that the petitioner is in custody since 13.12.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that victim in her statement recorded under Section 183 of the BNSS has supported the allegation as levelled in the FIR.

6. Considering the aforesaid facts and circumstances of the case, statement of the victim recorded under Section 183 of the BNSS, this Court is not inclined to grant bail to the petitioner at this stage.

7. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

8. Learned Trial Court is directed to expedite the trial.

9. However, liberty is granted to the petitioner to renew the prayer for grant of bail before the Trial Court if the



trial is not concluded within a period of six months from today.
If any such application is filed before the learned court below,
the court concerned shall consider the same on its own merit
without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Alok Verma/-

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