

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8395 of 2025

Arising Out of PS. Case No.-354 Year-2024 Thana- POTHIA District- Kishanganj

Vijay Kumar Son Of Ram Bilas Das @ Ramvilash Mushar Village -Tappu
Sarif Ps -Pothia District -Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sahrul Haque Son Of Late Imajuddin Village -Tappu Sarif Po And Ps
-Pothia District -Kishanganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Adv.

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-03-2025 Heard the parties.

2.The petitioner is named in the F.I.R. and apprehending his arrest in connection with Pothia P.S. Case No. 354 of 2024 registered for the offences punishable under Sections 137(2), 96, 64(1), 70(2) of BNS and u/s 4, 6 of POCSO Act.

3. The allegation against petitioner is to commit rape/penetrative sexual assault upon the daughter of the informant after kidnapping her from home.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner implicated with present case out of local disputes and differences. It is submitted that upon medical examinations no injury was found upon the



genitalia or inner thigh of the victim. It is submitted that the hymen of victim was found old ruptured. It is also pointed out by learned counsel that the occurrence was recorded by police after 4 days of occurrence suggesting on afterthought. While concluding arguments, it is submitted that petitioner is a man of clean antecedent.

5. Learned APP, while opposing the prayer of bail submitted that victim while recording her statement under Section 183 of BNS, specifically alleged petitioner to commit rape/penetrative sexual assault upon her.

6. In view of aforesaid factual submission and by taking note of fact as the allegation of rape/penetrative sexual assault is specifically available against this petitioner, which appears fully supported through statement of victim as recorded under Section 183 of BNS, coupled with the fact that victim upon medical/radiological examination was found between the age group of 15-17 years, accordingly, the anticipatory bail of the above-named petitioner stands **rejected**.

(Chandra Shekhar Jha, J)

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