

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8173 of 2025

Arising Out of PS. Case No.-442 Year-2024 Thana- MADHUBAN District- East Champaran

Sajan Kumar S/O Raghunath Rai R/O Villag- Sawangiya Satwariya Tola, P.S-
Madhuban, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Babuni Devi W/O Shambhu Patel R/O Villag- Sawangiya Satwariya Tola,
P.S- Madhuban, Distt.- East Champaran at Motihari.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 08-05-2025 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. In this case, the petitioner is seeking regular bail
in connection with Madhuban P.S. Case No. 442 of 2024,
registered for the offences punishable under Sections 70(2),
351(2), 351(3), 3(5) of the BNS and Section 4 of the POCSO
Act.

3. On 12-10-24, the informant received a telephonic
message that misdeed had happened with her 16 years old
daughter. She came from Assam and, on asking, her daughter
revealed nothing and was weeping continuously. After two days,
when she was pacified by the informant, she disclosed that the



present petitioner, along with other co-accused persons, at the point of knife, committed rape upon her.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The FIR was lodged after 12 days of the alleged occurrence. He has also submitted that the statement of the victim, recorded under 183 of the BNSS, is different from the recitals of the FIR. In the FIR, it has been mentioned that three persons, including the petitioner, caught hold of the victim and the petitioner committed rape upon her. The reason for delay in lodging the FIR has also not been mentioned in the FIR. The petitioner is under custody since 25.10.2024.

5. On the other hand, the learned counsel for the informant opposed the prayer for bail and submitted that the FIR itself shows that due to incident taken place against the victim, she was not in normal state of mind and initially, she was so shocked that she could not reveal the facts to her family members and after she was pacified, she narrated the entire occurrence. He has also submitted that in the FIR, it has specifically been stated that the petitioner has committed rape upon the victim and the victim, in her statement recorded under Section 183 of the BNSS, has stated that one co-accused gagged



her mouth with *gamchha* and though the victim did not name any other accused persons in her statement under Section 183 of the BNSS but she specifically named the petitioner stating that he committed rape upon her.

6. Considering the above-mentioned facts and circumstances, I am not inclined to grant bail to the petitioner. Accordingly, it is rejected.

(Nawneet Kumar Pandey, J)

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