

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10338 of 2025

Arising Out of PS. Case No.-28 Year-2024 Thana- MAHILA P.S. District- Madhepura

Abhishek Kumar @ Raja @ Raja Kumar S/O Nirmal Sardar R/O Village-
Ward no.- 09, P.S.- Kumarkhand, Dist.- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Devi W/O Bhulan Sardar R/O Village- Ward no.- 09, P.S.-
Kumarkhand, Dist.- Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Adv.
For the Opposite Party/s	:	Mr. Anil Kumar Singh No. 1, APP
For the Informant	:	Mr. Ranvijay Singh, Adv.

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

ORAL ORDER

4 14-07-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with Mahila
P.S. Madhepura Case No. 28 of 2024 instituted for the offences
under Sections 341, 323, 363, 366(A), 376, 504, 34 of the
Indian Penal Code and Section 4 of the POCSO Act.

3. As per prosecution case, the accusation against the
petitioner is of kidnapping and committing rape upon the
informant's minor daughter.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case. There is no eye-witness to the alleged occurrence. He further submits that there is delay of fifteen days in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. As per medical report, the age of the victim has been assessed in between 18 to 20 years. He further submits that in course of investigation, nothing adverse has come against the petitioner showing his complicity in the alleged occurrence. Learned counsel for the petitioner further submits that good sense has prevailed between the parties and both of them want to live together. The petitioner has no criminal antecedent and is languishing in judicial custody since 30.10.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. He further submits that the victim girl in her statement recorded under Sections 161 and 164 of the Cr.P.C. has supported the prosecution case.



6. Having heard learned counsel for the parties and considering the nature and gravity of the offence as also taking into account the statement of the victim girl recorded under Section 164 of the Cr.P.C., this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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