

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9589 of 2025**

Arising Out of PS. Case No.-22 Year-2024 Thana- MAHILA P.S. District- Patna

Raushan Rohi @ Raushan Rahi @ Raushan Kumar S/O Baban Vijay @ Karu Singh R/O Village- Vibhipura @ Bibipura, P.S- Muffasil, Distt.- Nawada (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. XXX D/O Umesh Prasad R/O Village- Kansua, P.S- Kurtha, Distt.- Arwal (Bihar)

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shivnandan Bharti  
For the Opposite Party/s : Mr.Ajit Kumar

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

3      21-03-2025      1. Heard the parties.

2. Petitioner seeks regular bail in connection with Mahila P.S. Case No. 22 of 2024 dt. 07.03.2024 / Special (POCSO) Case No. 60 of 2024 registered under Section 323, 341, 376, 34 of the I.P.C. and Section 4 of the POCSO Act.

3. As per the first information report the petitioner, who is a Bhojpuri singer, on the pretext of marriage took the informant (a Bhojpuri artist) to Shri Durga Guest House, Mithapur, Patna in March, 2022 and sexually assaulted the informant despite informant stopping him. When the informant repeatedly protested, the petitioner took a flat on rent in Ramakrishna Nagar in which he used to sexually exploit the informant. The



petitioner continued sexually exploiting the petitioner for a year and whenever the informant asked for solemnizing marriage he used to hesitate. When the informant became pregnant, the petitioner got her pregnancy aborted by giving contraceptive medicines. It is further alleged that on 12.12.2023 the petitioner fled away leaving the informant alone in a rented house in Patna and blocked his mobile no. On 25.01.2024 with the sincere effort of Mahila Vikas Manch members an agreement between the accused and the victim / informant was arrived at that they would get married in the end of March. It is further alleged that on 06.02.2023 the petitioner took a rented flat in Mahavir Colony, Beur where the petitioner used to sexually exploit the victim against her will. The petitioner snatched informant's mobile and used to torture her mentally and physically. On 03.03.2024 when the informant returned to the said flat after purchasing some articles she found that her flat was locked and she was informed by the landlord that the petitioner has locked it.

4. Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence in the manner alleged. He next submits that the informant and petitioner were having love affair and there was consensual physical relation



between them. The informant out of her own free will started living with the petitioner that too for a long time. The F.I.R. has been registered after an inordinate delay of two years without any plausible explanation. From perusal of the materials on record it is clear that not a single document has been found by the investigating officer to substantiate that the victim was minor on the date of alleged occurrence. The age of the victim is about 19-20 years and medical report does not corroborate the allegation levelled by the informant as there is no sign of sexual or physical assault on the person of the informant. In paragraph no. 143 of the case diary it has come that earlier also an agreement dated 11.11.2017 was got prepared in relation to marriage of the informant with one Abhishek Kumar when she attains majority. The petitioner is in custody since 01.11.2024.

5. Learned counsel further submits that from paragraph no. 45 of the case diary it appears that the date of birth of the informant is not mentioned in the school admission register of nursery (K.G.) but only signature of the headmaster has been found having the date mentioned as 23.01.2006. As per the Aadhaar card the date of birth of the informant is 14.05.2007. The Aadhaar card is not a proof of age but the same is proof of residence. In paragraph 136 of the case diary the Investigating



Officer has taken note of the fact that date of birth certificate issued by Municipal Corporation of the informant is 14.05.2007 whereas in the school register the informant was admitted in K.G. class on 23.01.2006 and it appears that the informant is giving different date of birth at different places. Accordingly submission is that the informant is not minor and medical report of the informant disclosing her age between 19-20 years may be taken as the age of the informant.

6. On the other hand, learned counsel for the informant opposed the prayer for regular bail and submits that informant was minor at the time of occurrence and Police after investigation has submitted charge sheet against the petitioner in which cognizance has been taken by the Special Court. The victim in her statement under Section 164 Cr.P.C. has supported the allegation. Since the petitioner is an influential person as such petitioner may not be released on bail till the examination of the victim by the trial court. Learned counsel further submits that all steps shall be taken for examination of the victim by the side of the informant.

7. I have heard learned counsel for the parties and have gone through the material on record. It appears that charge sheet has been submitted and cognizance has been taken. The



petitioner is in custody since 01.11.2024.

8. Considering the material available on record in totality, I am not inclined to grant regular bail to the petitioner till the examination of the victim by the trial court. Accordingly, this application is rejected.

9. However the petitioner may renew his prayer for bail if the victim is not examined within a period of two months. If the victim is examined the petitioner shall also be at liberty to renew the prayer for bail.

**(Anil Kumar Sinha, J)**

praful/-

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