

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10143 of 2025

Arising Out of PS. Case No.-490 Year-2023 Thana- KHAIRA District- Saran

Rajan Kumar, Male, aged about 20 years, S/O Sri Ramji Singh @ Ramji, R/O Village- Koreyan @ Koreya, Post- Khairah, P.S- Khaira, Distt.- Saran (Chhapra), Bihar, Pin Code- 841414.

... .. Petitioner

Versus

1. The State of Bihar
2. Shanti Devi, W/O Late Haricharan Rai, R/O Village- Koreya, P.S- Khaira, Distt.- Saran at Chhapra.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Subhash Patel, Advocate
For the State	:	Mr. Anil Kumar Singh No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 19-03-2025 Heard learned counsel for the petitioner and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Khaira P.S. Case No. 490 of 2023 dated 24.12.2023 registered for the offences punishable under Sections 376DA of the I.P.C., Sections 4 and 6 of the POCSO Act and Section 67 of the I.T. Act.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have committed rape on the informant's minor grand daughter and made a video of it and threatened to make the same viral.

4. Earlier prayer for regular bail of the petitioner was



rejected vide Cr. Misc. No. 31343 of 2024 under order dated 01.05.2024 by a Bench of this Court, annexed as Annexure-1 to the present bail petition with a direction to the learned court below to expedite the trial and conclude the same preferably at the earliest.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted by learned counsel for the petitioner that the alleged date of occurrence is 18.12.2023 and the F.I.R. has been lodged on 24.12.2023 after a delay of six days and the delay in lodging of the F.I.R. has not been explained by the prosecution. It is further submitted that from perusal of the F.I.R., it appears that there is no direct or indirect allegation against the petitioner to participate in the alleged offence. It is further submitted that the age of the victim has been mentioned 13 years in the F.I.R. but in 164 Cr.P.C. statement of the victim recorded before the learned Magistrate, the age of the victim has been assessed by the learned Magistrate is approximate 17 years, hence, no case under Section 376DA of the I.P.C. is made against the petitioner. It is also relevant to mention here that the Medical Board has assessed the age of the victim as 18 years, hence, no case under



Sections 4 and 6 of the POCSO Act is made out against the petitioner. There is no recovery of any electronic articles from his possession. There is contradiction in the statement of the victim. There is no specific allegation or any overt act against the petitioner. There was love affair between the victim and one co-accused Mitilesh Kumar from earlier. Both parties are neighbours and due to local village politics of the society he has falsely been implicated in the present case. There is no recovery of any video footage from the mobile of the petitioner. There is general and omnibus allegation against the petitioner. The petitioner is only bread earner of his family. The charge sheet has been submitted in the present case. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 25.12.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the victim has supported the prosecution case in her statement recorded under Sections 161 and 164 of the Cr. P.C. It is further submitted that the Medical Board has assessed the age of the victim as 18 years. It is further submitted that the Medical Board suggests that there is strong evidence of intercourse with the victim within five to seven days.



7. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, this Court is not inclined to enlarge the petitioner on bail and the same is again rejected in connection with Khaira P.S. Case No. 490 of 2023, pending in the court of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, Saran at Chapra.

8. The application stands rejected.

U.K./-

U		T	
---	--	---	--

(Chandra Prakash Singh, J)

