

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20218 of 2025

Arising Out of PS. Case No.-168 Year-2024 Thana- MAGADH UNIVERSITY District- Gaya

1. LALAN KUMAR S/o Karu Manjhi R/o Village - Babubigha, Post-Bishunpura, P.S.- Magadh University, District- Gaya
2. Rajesh Kumar @ Lalu Kumar S/o Suresh Manjhi R/o Village - Babubigha, Post- Bishunpura, P.S.- Magadh University, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Kamalshiya Devi W/o Siyaram Yadav R/o Village - Parariya, Post-Bishunpura, P.S.- Magadh University, District- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Adv.
For the Opposite Party/s : Ms.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 19-08-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Magadh University P.S. Case No. 168 of 2024 dated 18.08.2024 registered for the offences punishable u/ss 126(2), 127(2), 64(1), 72(2) read with Section 3(5) of the B.N.S. and Sections 4 and 6 of the POCSO Act.

3. As per the prosecution case, on 17.08.2024, when the minor daughter of the informant went to the field to bring firewood, in the meantime, the petitioners and the co-accused, Upendra Kumar caught hold of the informant's daughter and



forcibly brought her to the house of the co-accused, Upendra Yadav where they administered intoxicants to her due to which she got fainted and the accused persons committed rape on her. When the victim was getting late then the informant started searching for her and then she came to know that the victim was at Upendra's boring house. The victim was found in an unconscious condition. Thereafter, the victim regained her consciousness and she told the whole story to the informant.

4. Learned counsel for the petitioners have submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners have been made accused in this case merely on suspicion. Nothing has been recovered from the conscious possession of the petitioners. Learned counsel has further submitted that the medical report of the victim has not supported the prosecution case and also submitted that there is no any external and internal injury on the body of the victim. The petitioners have no concern with the alleged offence. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 18.08.2024.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioners and submitted that the petitioners and the co-accused person are involved in the commission of rape. The victim in her statement recorded u/ss 161 and 164 of the Cr.P.C.



have also supported the prosecution case. Learned counsel has further submitted that it is settled law that the ocular evidence always prevails on the medical report.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioners, I am not inclined to enlarge the petitioners above-named on bail.

7. Learned trial court is directed to expedite the trial and conclude the same at the earliest.

8. The application stands rejected.

(Chandra Prakash Singh, J)

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