

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14281 of 2025

Arising Out of PS. Case No.-544 Year-2024 Thana- OBRA District- Aurangabad

Ritik Kumar @ Lootan @ Ritik @ Lutan Ritik Son of Kishori Yadav @
Ram Kishore Singh R/O Village-Noaon, P.S-Obra, District-
Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar
2. Fulan Devi Wife of Akhilesh Paswan R/O Village-Noaon, P.S-Obra,
District- Aurangabad.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs.Mukul Kumari, Advocate
For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 13-10-2025 Heard learned counsel appearing on behalf
of the petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with POCSO G.R. Case No. 220 of 2024 arising out of Obra P.S. Case No. 544 of 2024 registered for the offences under Sections 64(1) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.)/ section 376 of the I.P.C. and under section 4, 8 of the POCSO Act and section 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST Act, pending in the court of learned S.E.J. (Social, Economic Justification), Aurangabad.



3. The accused/petitioner is named in the First Information Report and is in custody since 08.01.2025.

4. Allegation against the petitioner is to commit penetrative sexual assault/rape upon minor daughter of the informant, aged about 16½ years.

5. It is submitted by learned counsel appearing on behalf of the petitioner that allegation of penetrative sexual assault/rape *prima facie* not appears convincing in view of medical report of the victim as nothing incriminating was found upon the victim during course of medical examination, which may suggest *prima facie* that penetrative sexual assault/rape was committed upon the daughter of the informant.

6. It is submitted that the victim was major at the time of occurrence as upon radiological examination her age was found between the age group of 18-20 years. However, learned counsel fairly conceded that as per school certificate, date of birth of the victim appears 12.05.2009.



7. Arguing further, it is pointed out that victim has already examined in this matter, who is the sole witnesses of the alleged occurrence and, therefore, there is no occasion as to influence the material witness of the crime in question.

8. While concluding argument, it is submitted that petitioner is a man of clean antecedent and, further the progress of trial suggests that same is not likely to conclude within the preferred timeline of one year as available under section 35(2) of the POCSO Act.

9. Learned A.P.P. for the State, while opposing the prayer of bail of the petitioner, submitted that the victim, while recording her statement under section 183 of the B.N.S.S., categorically stated that this petitioner has committed penetrative sexual assault/rape upon her. It is pointed out that this fact also appears corroborated from her statement as recorded under section 180 of the B.N.S.S.

10. It is further submitted by learned A.P.P. that non-availability of injury out of sexual



assault/rape does not lead to a conclusion *ipso facto* that rape/penetrative sexual assault was not committed upon as alleged for the simple reason that rape is a legal finding not a medical.

11. In view of aforesaid factual submission and by taking note of statement of victim, who specifically alleged this petitioner has committed penetrative sexual assault/rape upon her, accordingly, the prayer of bail of the petitioner stands rejected herewith for the present.

12. However, considering the custody period of the petitioner i.e. 08.01.2025, learned trial court is directed to take all necessary steps to conclude the trial of this case within the preferred timeline as available under section 35(2) of the POCSO Act.

(Chandra Shekhar Jha, J)

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