

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11724 of 2025

Arising Out of PS. Case No.-629 Year-2024 Thana- ARARIA District- Araria

Shahrukh @ Shahrukh Alam, Male, aged about 30 years, Son of Mahboob Alam @ Chunnu, Resident of Village - Azad Nagar, Ward No. 20, Aazad Academy Road, P.S. - Araria, District- Araria.

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. The Victim, aged about 14 years, Female, Daughter of Samsheer Alam, Resident of Village - Sisauna, Ward No. 20, P.S. -Araria, District- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kumar, Advocate
For the State	:	Mr. Nirmal Kumar Sinha, APP
For the Informant	:	Mr. Rajnish Kumar, Advocate
		Mr. Pratik Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

4 14-05-2025 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with Araria P.S. Case No. 629 of 2024 instituted for the offences punishable under Sections 65(1) of the B.N.S.S. and Sections 4 and 8 of the POCSO Act.

3. As per the prosecution case, the accused-petitioner made the victim to sit on his bike on the pretext of dropping her to school but he took the victim to an unknown room, tied her hands and brutally raped her repeatedly and threatening her to stay silent.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. He submits that petitioner has no any criminal antecedent and the allegation leveled against him as in the fardbeyan are totally false, concocted and baseless. He further submits that no sign of rape or any external injury has been found in the medical report. He next submits that there is no any eye witness who may have seen the alleged occurrence. He lastly submits that there is compromise between the parties. Petitioner has got clean antecedent as stated in para 3 of the petition is in custody since 22.12.2024.

5. Learned APP for the State and learned counsel for the informant vehemently opposed the prayer for bail.

6. From perusal of the case diary, medical report, FIR and also perused the impugned order dated 21.01.2025 passed by the learned D.A.G.-VI-cum-Special Judge (POCSO), Araria, it appears that on the basis of written report of the victim-cum-informant, FIR has been lodged under Sections 65(1) of the B.N.S.S. and Sections 4 and 8 of the POCSO Act against the present petitioner. The allegation against the present petitioner is that on the alleged date of occurrence, the accused petitioner made the victim to sit on his bike on the pretext of



dropping her to school. He took the victim to an unknown room, tied her hands and brutally raped her repeatedly. There is direct and specific allegation against the accused-petitioner. On perusal of the medical report, it transpires that the hymen's of the victim found to be ruptured during the medical examination. The minor victim had also supported the prosecution case in her re-statement recorded under Section 180 of the B.N.S.S. along with the other witnesses, who have also supported the prosecution case.

7. Considering the facts and circumstances of the case that there is direct allegation for committing the heinous offence of rape upon the petitioner, I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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