

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15400 of 2025

Arising Out of PS. Case No.-609 Year-2024 Thana- RAHUI District- Nalanda

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Rahul Kumar @ Jitendra Kumar S/O Birji Ravidas @ Vriji Ravidas R/O
Village- Basniyama, P.S- Gokhulpur @ Hassot, Distt.- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ruby Devi W/O Late Mahajan Chaudhary R/O Village- Fatehpur, P.S-
Rahui, Distt.- Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti, Adv

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 07-08-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Rahui

P.S. Case No. 609 of 2024 registered for the offences under

Sections 70(2) of the Bharatiya Nyaya Sanhita & Section 4/6 of

the POCSO Act.

3. The petitioner is named in the F.I.R. and is in custody

since 21.11.2024.

4. As per FIR, petitioner along with named co-accused

persons committed penetrative sexual assault/rape upon minor

daughter of the informant on 20.01.2024, while informant was

outside the home in connection with her bank loan.



5. Learned counsel appearing on behalf of the petitioner submitted that from the statement of victim as recorded under Section 183 of the BNSS, it appears that co-accused Shishupal Kumar committed rape/penetrative sexual assault upon her. It is submitted that petitioner is resident of same village and as he was crossing from the front of the house of victim under confusion believed as one of the associate of co-accused Shishupal Kumar, who committed rape upon minor daughter of the informant, who at the time of occurrence was alone in her home. It is further submitted that till now out of ten charge-sheeted witnesses only three witnesses were examined and, therefore, trial of this case is not likely to conclude within specified time period in terms of Section 35 (2) of the POCSO Act. While concluding the argument it is submitted that investigation has already completed, and as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. None appeared on behalf of informant.

8. In view of aforesaid factual submissions and by taking note of fact as allegation *qua* rape/penetrative sexual assault prima-facie not appears available against this petitioner, coupled with the fact as petitioner remains in custody since



21.11.2024, accordingly above named petitioner, is directed to be released on bail in connection with Rahui P.S. Case No. 609 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VIIth cum Special Judge, POCSO, Bihar Sharif, Nalanda/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S. with further conditions:-

(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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