

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17893 of 2025

Arising Out of PS. Case No.-264 Year-2020 Thana- MOTIPUR District- Muzaffarpur

Abhishek Kumar, aged about 23 years (M), S/O Babulal Sah @ Babulal Mandal, Resident of Village- Mathiya Bariyapur, P.S- Motipur, Distt.- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar
2. Chanda Kumari, D/O Narad Thakur, R/O Village- Mathiya Bariyapur, P.S- Motipur, Distt.- Muzaffarpur.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Manoj Kumar, Advocate
For the State	:	Mrs. Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 14-07-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Motipur P.S. Case No. 264 of 2020 dated 18.10.2020 registered for the offences punishable under Sections 376D of the I.P.C., Sections 5(g) and 6 of the POCSO Act.

3. As per the prosecution case, the minor victim girl used to study in Class-Xth in the village school. She and her parents are also labourers and used to work in the field. It is further alleged that on 05.09.2020 at about 12.00 P.M., she went for call of nature in the field and when she was returning, in the paddy field, Rajeev Kumar, Abhishek Kumar (petitioner), Rohit



Kumar and Ajeet Kumar caught her and all have committed rape on her one by one and the co-accused Rajiv Kumar also made video of her and thereafter they started blackmailing her by showing the video clip.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the petitioner was not present on the alleged date, time and place of occurrence. It is further submitted the alleged occurrence took place on 05.09.2020 and the F.I.R. has been lodged on 18.10.2020 and for the delay in lodging the F.I.R., no explanation has been given by the prosecution. It is further submitted that both the parties are the residents in the same village but neither the victim nor her family members have made any complaint anywhere with respect to such acts committed by the accused persons. The victim has been examined by the doctor after a lapse of 45 days and he has also assessed her age about 18-19 years, however, the victim has mentioned her age about 16 years in the F.I.R. The doctor has also examined the victim and in microscopic examination of vaginal swab, no spermatozoa has been found. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in



custody in this case since 03.01.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner and has further submitted that the petitioner is named in the F.I.R. He further submits that the petitioner alongwith other co-accused persons caught the victim girl when she was going for call of nature and committed rape on her one by one. The victim girl in her written fardbeyan made before the learned Additional District and Sessions Judge-VIIth-cum-Special Judge, POCSO, Muzaffapur has supported the prosecution case.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of accusation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Motipur P.S. Case No. 264 of 2020, pending in the court of learned Special Judge, POCSO Court-II, Muzaffarpur or concern court, Muzaffarpur.

7. The application stands rejected.

8. The learned trial court is directed to expedite the trial of the petitioner and conclude the same at the earliest.

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(Chandra Prakash Singh, J)

