

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25524 of 2025

Arising Out of PS. Case No.-399 Year-2024 Thana- RAJGIR District- Nalanda

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Jitendra Kumar Son of Raj Kumar Prasad @ Late Rajkumar Yadav Resident of Vill- Kewali, P.S.- Karande, District- Shekhpura, At present Jarsidih near Railway Station, Birla Cement Corcrete Factory, P.S.- Jasidih, District- Deoghar (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Sunil Kumar Son of Balgivind Prasad R/O Vill- Belauwa, P.S.- Rajgir, District- Nalanda

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Hansraj
For the Opposite Party/s	:	Mr.Syed Mojibur Rahman
For the Informant	:	Mr. Ashok Kumar Raj

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 22-07-2025 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with POCSO Case No. 144/2024 arising out of Rajgir P.S. Case No. 399/2024 dated 11.09.2024 registered for the offence punishable u/s 376, 511 and 379 of the Indian Penal Code and 4 and 6 of the POCSO Act.

3. As per the prosecution case, the petitioner is alleged to have committed rape on the informant's grand-daughter. It is further alleged that in the morning his son-in-law (petitioner)



fled away with ornaments worth Rs. 2 lacs.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. There is a delay in lodging the F.I.R as the occurrence took place on 22.04.2024 and the complaint petition was filed on 09.06.2024 and there is no explanation of delay. Learned counsel has submitted that the victim is the own daughter of the petitioner and she resides with her *nana, nani, mausi* and at the instance of them, false statement has been given by the victim. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 09.12.2024.

5. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the bail petition of the petitioner by submitting that the victim is a minor girl aged about 5 years. The victim in her statement recorded u/s 183 of the B.N.S.S. has supported the prosecution story. It is further submitted that the petitioner used to visit in-laws house to commit rape on his daughter.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of offence against the



petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with POCSO Case No. 144/2024 arising out of Rajgir P.S. Case No. 399/2024, pending in the court of learned 7th Additional Sessions Judge-cum-Special Judge, POCSO Act, Bihar Sharif (Nalanda).

7. This application is rejected and the learned court below is directed to conclude the trial of the petitioner at the earliest.

(Chandra Prakash Singh, J)

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