

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21737 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- SC/ST District- Buxar

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Ambika Kumar @ Akhilesh Kumar Singh S/o- Lal Bahadur Singh Village-
Chakrhansi Ps- Buxar M Dist- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Kumari D/o- Munna Ram Village- Chakrhansi Ps- Buxar M Dist- Dist-
Buxar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 47597 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- SC/ST District- Buxar

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Devendra Kumar Singh @ Dharmendra Kumar Singh S/O Lal Bahadur Singh
R/O Village-Chakrhansi, PS-Buxar(M), Distt-Buxar

. ... Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Kumari D/O Munna Ram R/O Village-Chakrhansi, PS-Buxar(M),
Distt-Buxar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 21737 of 2025)
For the Petitioner/s : Mr.Dr.Kamal Deo Sharma, Advocate
For the Opposite Party/s : Mr.Binay Krishna, APP
(In CRIMINAL MISCELLANEOUS No. 47597 of 2025)
For the Petitioner/s : Dr.Kamal Deo Sharma, Advocate
For the Opposite Party/s : Mr.Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 03 10-09-2025 1. Heard learned counsel for the parties.
2. The petitioners in this application pray for grant of



anticipatory bail apprehending their arrest in connection with SC/ST P.S.Case no. 8 of 2025 registered for the offence punishable under sections 126(2), 115(2), 70(1), 353, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, sections 4 and 6 of the POCSO Act and section 3(i),(r),(s),(vi)/3(2)(va) of the SC/ST Act.

3. As per the prosecution case, the informant states that the accused Akhilesh Kumar Singh who was on talking term with her for the last two years called her and thereafter all the accused persons including the two petitioners herein committed rape on her. They also abused her in the name of her caste.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. There is an unexplained delay of 12 days in lodging of the FIR in so far as while the occurrence is said to have taken place on 19.2.2025, the FIR was registered on 2.3.2025. The injury report does not support the prosecution case. Learned counsel refers to the material that has transpired in paragraph nos.79 and 201 of the case diary as also the finding of the medical board which has found the age of the alleged victim to be between 18-19 years. Great stress has been laid that four injuries have been found corresponding to the allegations levelled in the FIR. One of the



petitioners who happens to be a computer engineer is working in Delhi and has no criminal antecedent. Reliance has been placed on the judgment of the Hon'ble Supreme Court in the case of **Pramod Suryabhan Pawar versus State of Maharastra: (2019) 9 SCC 608** as also order of this Court dated 15.4.2024 passed in Cr. Misc. no.18263 of 2023.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that there is specific allegation of gang rape having been committed by the petitioners and others named in the FIR and the allegations have been supported by the victim in her statement under section 164 Cr.P.C.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioners in the F.I.R. together with the material that has transpired in course of investigation and specially the statement of the victim under section 164 Cr.P.C., the Court is not inclined to enlarge the petitioners on anticipatory bail and application is rejected.

7. The petitioners are directed to surrender in the learned Court below within a period of four weeks.

8. In case, the petitioner so surrender and pray for



regular bail the same shall be considered on its own merits
without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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