

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23524 of 2025

Arising Out of PS. Case No.-372 Year-2024 Thana- SUGAULI District- East Champaran

Jhunna Kumar S/O Puran Sahani R/O Village- Dhani, Ps- Sugauli, District-
East Champaran Motihari

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shiv Pujan Sahani S/o Late Dahari Sahani R/o vill - Dumari, ward no. 4,
P.S.- Sugauli, Distt.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Adv. Mr. Dhananjay Kr. Gupta, Adv.
For the Opposite Party/s	:	Mr. Ashok Kumar Singh, APP
For the Informant	:	Mr. Biresh Kumar, Adv. Mr. Harish Kr. Patel, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 10-10-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with Sugauli

P.S. Case No. 372 of 2024 instituted for the offences under

Sections 65(A), 351(2) of the Bhartiya Nyaya Sanhita, 2023 and

Sections 6 and 7 of the POCSO Act.

3. As per prosecution case, the accusation against the

petitioner is of luring and committing rape upon the informant's

minor daughter due to which she got pregnant. It is alleged that

on getting information regarding pregnancy of the victim girl,



the informant went to the petitioner's father and other accused persons where the informant was abused and also threatened and assaulted by them.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner and the informant are co-villagers and reside as next door neighbors having land dispute between them and the petitioner has been falsely implicated in the present case. He further submits that there is no specific date and time of the alleged occurrence committed by the petitioner rather when the informant came to know about the pregnancy of the victim girl, the informant on 25.08.2024 went to the father of the petitioner where it is alleged that the informant was abused and assaulted by them. Learned counsel for the petitioner further submits that as per F.I.R., the informant got information regarding pregnancy of his daughter on 15.08.2024 but, the F.I.R. was lodged on 17.08.2024 without there being any plausible explanation for such delay which creates doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 02.11.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has



vehemently opposed the prayer for grant of bail to the petitioner. It is further stated that the victim girl in her statement recorded under Section 183 of the B.N.S.S. has made specific and direct allegation of rape against the petitioner due to which she got pregnant. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner for offence under Sections 65(i), 351(2) of the Bhartiya Nyaya Sanhita, 2023 and Sections 6 and 7 of the POCSO Act.

6. Having heard learned counsel for the parties and keeping in view the nature of allegation, gravity of the offence, materials available in the case diary as also considering the statement of the victim girl recorded under Section 183 of the B.N.S.S., this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

