

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25802 of 2025

Arising Out of PS. Case No.-59 Year-2024 Thana- Bahera District- Gaya

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Akash Kumar S/o Kamaldeo Mahto @ Kamaldeo Prasad R/o Village-
Hardawan, P.S.- Bahera, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 31-07-2025 Heard the parties.

2. The petitioner seeks bail in connection with Bahera P.S. Case No. 59 of 2024 registered for the offence under Sections 306, 504, 506 of the I.P.C. and Section 67/67(A) of I.T. Act.

3. The petitioner is named in the F.I.R. and is in custody since 28.10.2024.

4. The allegation against the petitioner is to commit rape upon informant / victim aged about eighteen and half years on the date of occurrence.

5. Learned counsel appearing on behalf of the petitioner submitted that the present FIR was lodged with



delay of 22 days being an afterthought. It is submitted that petitioner was in love affairs with informant, who are from different caste and when this matter came into knowledge of parents of the informant the present FIR was lodged. It is submitted that upon medical examination nothing found incriminating which may suggest that rape as alleged was committed upon the informant/ victim. It is submitted that if the statement of mother of informant/ victim be taken into consideration whose statement as recorded under Section 161 of Cr.P.C. is available under para 31 of the case diary, it appears that upon raising alarm by informant, she went to the room of informant thereafter the petitioner fled away. If it is true then certainly this is a case of maximum attempt for rape but if the narration as set out by informant/ victim through FIR be taken into consideration then certainly it is a case of rape. In view of aforesaid, it is submitted that the allegation as raised by victim not appears *prima-facie* sterling in nature *qua* crime in



question. It is further submitted that as some unknown persons uploaded the photos of the informant alongwith petitioner on social media, the present FIR was lodged. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer of bail submitted that the allegation of rape is available against this petitioner and this fact supported by victim while recording her statement under Section 164 of Cr.P.C.

7. In view of aforesaid factual submission and by taking note of statement of victim and also the statement of mother of the victim recorded under Section 161 of Cr.P.C., who at the time of occurrence was available in house, coupled with fact that charge-sheet has already been submitted where petitioner is in custody since 28.10.2024, accordingly petitioner above named, is



directed to be released on bail in connection with Bahera
P.S. Case No. 59 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 ACJM
1st Sherghati, Gaya /concerned court, subject to the
conditions as mentioned under Section 437(3) of the
Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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