

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28121 of 2025**

Arising Out of PS. Case No.-20 Year-2025 Thana- KATORIYA District- Banka

Ramesh Kumar @ Ramesh Yadav S/o- Sattan Yadav @ Satya Narayan Yadav  
Village- Hirana, Ps-Katoriya, Dist- Banka

... .. Petitioner/s

Versus

1. The State of Bihar.

2. 'X' D/o- Shibu Yadav Village- Barmoh Ps- Katoriya Dist- Banka

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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

**ORAL ORDER**

4      06-08-2025      Learned counsel for the petitioner is directed to delete  
the name of the O.P. No.2 in course of the day.

2. Office to act accordingly.

3. Heard learned counsel for the petitioner and learned  
APP for the State. In spite of valid service of notice, no one  
appears on behalf of the Informant. Perused the case diary.

4. The petitioner seeks bail in connection with  
Katoriya P.S. Case No. 20 of 2025 instituted for the offences  
under Sections 70(2) of the Bhartiya Nyaya Sanhita, 2023,  
Section 4 of the POCSO Act and Sections 67, 67A, 67B of the  
I.T. Act.

5. As per prosecution case, the accusation against the  
accused Bali Kumar and Ramesh Kumar (petitioner) is of  
forcibly committing rape upon the Informant/victim and making  
a video of the same. It is also alleged that they also threatened



her that if she tells anybody about the incident then they will make her video viral.

6. 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. He further submits that there is delay of 09 days in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. He further submits that the written report of the informant/victim and her statement recorded under Section 183 of the B.N.S.S. are contradictory to each other and, thus, cannot be relied upon. He further submits that the specific allegation of committing rape is upon the co-accused Bali Kumar whereas the allegation against the petitioner is of recording the incident. The medical report does not support the prosecution case. He further submits that the victim girl in her statement recorded under Section 183 of the B.N.S.S., she has not made any allegation of rape against the petitioner. The petitioner has no criminal antecedent and is languishing in judicial custody since 28.01.2025 without any rhymes or reason.

7. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner,



stating that the offence alleged is serious and heinous in nature as the victim girl is a minor. He further submits that the Informant in her statements recorded under Sections 180 and 183 of the B.N.S.S. has supported the prosecution case. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner and co-accused Bali Kumar under Sections 64(2)/61(2) of the Bhartiya Nyaya Sanhita, Section 4/6 of the POCSO Act and Sections 67/67(A)/67(B) of the I.T. Act.

8. Having heard learned counsel for the parties and considering the nature and gravity of the offence as also taking into account the statements of the victim girl recorded under Sections 180 & 183 of the B.N.S.S., this Court is not inclined to grant bail to the petitioner.

9. 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)**

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