

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29245 of 2025

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

Bali Kumar @ Baliya Son of Thakur Yadav Resident of village - Hirana,
Police Station - Katoriya, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kusmi Kumari Wife of Shibu Yadav Resident of village - Barmoh, Police Station - Katoriya, District - Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar, Adv. Mr. Ravi Prakash Dwedi, Adv. Mr. Roushan Kumar, Adv. Mr. Saurabh Raj, Adv.
For the Opposite Party/s	:	Mr. Satya Nand Shukla, APP

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

ORAL ORDER

4 02-09-2025 Heard learned counsel for the petitioner and learned APP for the State. In spite of valid service of notice upon the O.P. No.2, no one has appeared on her behalf. Perused the case diary.

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

3. As per prosecution case, the accusation against the co-accused including the petitioner is of committing forceful



rape upon the victim girl. It is also alleged that they made a video of the incident and threatened her that if she tell anyone about the incident, they will made the video viral. It is also alleged that later on, they made the video of incident viral.

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. He further submits that there is delay of nine 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 allegation made in the F.I.R. and the statement of the victim girl recorded under Section 183 of the B.N.S.S. are contradictory to each other. The medical report also does not support the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 28.01.2025 without any rhymes or reason. Charge-sheet has been submitted against the petitioner in this case.

5. 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 in nature. The victim is minor. He further submits that the victim girl, in her statement recorded under Sections 180 and 183 of the B.N.S.S., has made



direct and specific allegation of rape against the petitioner of committing rape.

6. At this stage, learned counsel for the petitioner submits that the charge has been framed, the trial is going on and out of total 8 charge-sheet witnesses, 4 witnesses have been examined.

7. Having heard learned counsel for the parties and in the facts and circumstances of the case 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 Sections 180 & 183 of the B.N.S.S., this Court is not inclined to grant bail to the petitioner.

8. 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	
---	--	---	--

