

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34926 of 2025

Arising Out of PS. Case No.-249 Year-2024 Thana- SARAI District- Vaishali

Manish Kumar S/O Sonelal Chaudhari Resident of Village- Boariya, P.S.- Sarai, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. XXX Kumari D/O Samar Kumar Singh R/O Village and P.O- Boariya, P.S- Sarai, Distt.- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan No. 1i
For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

4 03-09-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sarai P.S. Case No. 249 of 2024 registered for the offences punishable under Sections 70(2), 123, 66(1)/3(5) 140 of BNS and Section 4/6 of POCSO Act.

3. As per the prosecution story, the informant has alleged that on 29.10.2024 at about 09:00 PM, she went outside the house on the call of *Manish Kumar*, near the Neem tree where he asked her to go for a ride and she went away on motorcycle. At about 11:00 PM, Manish Kumar called her two



friends namely *Rohit Kumar* and *Gaurav Kumar* and thereafter, it is alleged that all of them took away her at hotel and after administering her some intoxicant in water, committed rape upon her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case by the informant at the instance of her parents. The petitioner is doing a business of kirana shop named as Shitala General Store in the same village from where the victim and her family members used to purchase kirana goods on credit. The victim eloped with *Gaurav Kumar*, and on the date of occurrence, she herself fled away with *Gaurav Kumar* and at the instance of her father, she implicated the petitioner in this case.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail and submits that the statement of the victim has been recorded under Section 183 of BNSS in which, she has supported the entire occurrence as alleged in the F.I.R.

6. In the impugned order, it is mentioned that victim has stated that she was forced to consume intoxicated substance and subsequently, all the three accused persons including the



petitioner committed forcefully rape upon her.

7. Keeping in view the aforesaid facts and considering the statement of the victim recorded under Section 183 of BNSS, I am not persuaded to enlarge the petitioner on bail.

8. Accordingly, the prayer for bail stands rejected.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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