

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35438 of 2025

Arising Out of PS. Case No.-9 Year-2021 Thana- MAHILA P.S. District- Bhojpur

Ashok Kumar @ Ashok Kumar Singh S/O Bindeshwar Singh @ Bindeshwari Singh R/o Village - Dullamchak, P.S - Chauri, District - Bhojpur, Bihar. 802208

... .. Petitioner/s

Versus

1. The State of Bihar
2. X.Y.Z.(Victim) D/O Ram Bachan Yadav R/O Village and PO-Dullamchak,PS-Chauri, Distt-Bhojpur,Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate
For the Opposite Party/s	:	Mr. Umeshanand Pandit, A.P.P.
For the Informant	:	Mr. Ravindra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-07-2025 Heard learned counsel for the petitioner, informant and learned A.P.P. for the State.

2. Petitioner seeks regular bail in connection with Bhojpur Mahila P. S. Case No. 09/2021 in a case registered for the offences punishable under Sections 323, 342, 376(D), 456/34 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

3. As per the prosecution case, on 18.01.2021 at about 9:00 PM, while the victim was alone at her house, this petitioner alongwith other three other co-accused committed gang rape upon her. It is further alleged that all the accused persons confined the victim (informant) and her parents in their house



for 5-7 days and did not allow them to come out and thereafter, offered money to shut their mouth. It is further alleged that on 24.01.2021, when the informant with her father went to the police station to lodge an F.I.R., the SHO of the police station did not register the case and when they returned to their house, the FIR named accused alongwith other 5-6 persons came at the house of informant and assaulted them with *lathi*, *danda* and rod, as a result of which, informant and her family members got injured and when the informant filed application before the S.P., Bhojpur, the present F.I.R. was registered.

4. Learned counsel for the petitioner submits that from perusal of the F.I.R. it is apparent that this petitioner is neighbour of the informant. He further submits that this petitioner, co-accused Amit Kumar and Umesh Singh are real brothers and co-accused Ramjee Singh is cousin brother of the petitioner. As a matter of fact, there was love affair between co-accused Amit Kumar and the informant which was not acceptable to parents of the informant as such, this false and concocted case has been lodged against petitioner and others. He further submits that it is highly unnatural that three own brothers along with cousin brother would commit such a heinous crime. It is further submitted that medical report does



not reveal any sign of injury on private parts of the informant. Moreover, co-accused Ramjee Singh and Umesh Singh have already been acquitted by the learned court of District and Sessions Judge-VI, Bhojpur *vide* judgment and order dated 10.07.2023. Petitioner is in custody since 20.01.2025.

5. However, learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the bail application and submitted that there is specific accusation that this petitioner along with other accused persons committed rape with the informant.

6. This Court cannot shut its eyes to the ground reality that nowadays it has become a common practice to level allegations of rape and sexual assault of child by family members in petty or property disputes. In this case, three own brothers and one cousin brother have been made accused with allegation that all of them committed gang rape of the victim. However, medical report does not support the allegation and doctor has not found any sign of injury on private part of the victim. Two accused persons have already been acquitted by the Trial Court.

7. Considering the aforesaid facts and circumstances of the case and period of custody, the bail application is allowed.



Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-VI, Bhojpur at Ara in connection with Bhojpur Mahila P. S. Case No. 09/2021.

(Prabhat Kumar Singh, J)

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