

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35369 of 2025

Arising Out of PS. Case No.-22 Year-2024 Thana- MAHILA P.S. District- Patna

Raushan Rohi @ Raushan Rahi @ Raushan Kumar S/o- Baban Vijay @ Karu Singh Resident of Village-Bibipura PS- Muffasil District- Nawada

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. XXX D/o- Umesh Prasad Village- Kansua Ps- Kurtha Dist- Arwal

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivanand Singh
For the State : Mr.Abhay Kumar
For Opposite Party No. 2: Mr. Mukteshwar Dyal
Mr. Anil Kumar
Mr. Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 227-06-2025
- 1. Heard learned Counsel for the petitioner, learned Counsel for the Opposite Party No. 2 and learned Additional Public Prosecutor for the State.
 - 2. The petitioner seeks regular bail in connection with Special (POCSO) Case No. 60 of 2024, arising out of Mahila Police Station Case No. 22 of 2024, dated 07.03.2024, registered for the offences punishable under Sections 323/341/376/34 of the Indian Penal Code and Section 4 of the Prevention of Children from Sexual Offences Act, 2012.
 - 3. The prosecution case, as per the first information report, is that the petitioner, who is a Bhojpuri singer, on the



pretext of marriage, took the informant to Shri Durga Guest House, Mithapur, Patna, in March, 2022, and sexually assaulted her. When the informant repeatedly protested, the petitioner took a flat on rent in Ramakrishna Nagar in which he used to exploit the informant sexually and he continued to sexually exploit the informant for a year and whenever the informant asked for solemnizing marriage, the petitioner hesitated. When the informant became pregnant, the petitioner got her pregnancy aborted by giving her contraceptive medicines. On 12.12.2023, the petitioner fled away leaving the informant alone in the rented house and blocked his mobile number. On 25.01.2024, with the sincere effort of members of the Mahila Vikash Manch, an agreement between the petitioner and the informant was arrived at that they would get married in the end of March. It is further alleged that on 06.02.2023, the petitioner took a rented flat in Mahavir Colony, where the petitioner used to sexually exploit the informant against her will. The petitioner snatched the mobile of the informant and used to torture her, mentally and physically. On 03.03.2024, when the informant returned



to the said flat after purchasing some articles, she found that the flat was locked and she was informed by the landlord that the petitioner has locked it.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of false and concocted story only with oblique motive to pressurize the petitioner to anyhow perform marriage with the informant. The petitioner has neither established physical relation with the informant nor has subjected the informant to cruelty. The allegation of live-in relationship of the informant with the petitioner is also not correct. The informant and her family members hatched a conspiracy to implicate the petitioner in the present case and has deliberately shown the informant to be under 18 years of age. The informant first of all manufactured a forged birth certificate showing her date of birth to be 14.05.2007 and subsequently she got her adhar card prepared on 17.08.2023 on the basis of the forged birth certificate. Thereafter, the informant and her family members started mounting pressure upon the petitioner to perform marriage with the informant.
5. Learned Counsel further submits that during



investigation, the police verified the birth certificate furnished by the informant and the Deputy Registrar, Birth and Death, Patna Municipal Corporation, in terms of his letter, dated 22.01.2025, informed the Investigating Officer that the alleged birth certificate showing the date of birth of the informant as 14.05.2007 was not issued from his office. The certificate number written over the said certificate was also found to be wrong and incorrect.

6. In the aforesaid background, the petitioner had earlier moved an application for grant of regular bail before this Court in Criminal Misc. No. 9589 of 2025 and this Court, vide order, dated 21.03.2025, rejected the prayer for bail of the petitioner till the examination of the informant by the Trial Court and granted liberty to the petitioner to renew his prayer for bail after a period of two months.
7. Learned Counsel for the petitioner submits that the informant has been examined on 13.05.2025 by the Trial Court and after cross-examination by the defence, she has been discharged.
8. Learned Counsel next submits that the informant produced a different birth certificate before the Trial Court, while she was being examined on 13.05.2025. This



birth certificate was issued on 15.01.2025 by the Kankarbag Circle of the Patna Municipal Corporation. It seems that the informant after coming to know about the fact that the police has already enquired into the forged birth certificate prepared by the informant earlier, got this subsequent birth certificate prepared on the basis of her adhar card, which was prepared on the basis of her earlier forged certificate. During investigation, it has come that as per the admission register of the school where the informant went to take admission in Kindergarten on 23.01.2006. the age of the informant had been 4-5 years at the time of the said admission, then, definitely, the date of birth of the informant must be more than 18 years in between 2021 and 2022.

9. On the other hand, learned Counsel for the informant- Opposite Party No. 2 opposes the prayer for bail and submits that at the time of commencement of the offence, the informant was minor, aged about 15 years. The informant has a threat upon her life at the hands of the petitioner.
10. I have heard learned Counsel for the parties and have gone through the materials available on record, including



the previous order.

11. This Court, after discussing the entire facts and circumstances, vide order, dated 21.03.2025, had dismissed the prayer for bail of the petitioner with liberty to him to renew his prayer for bail within two months after examination of the informant by the Trial Court. The informant has admittedly been examined by the Trial Court on 13.05.2025. The petitioner is in custody since 01.11.2024.
12. Accordingly, I am inclined to grant regular bail to the petitioner.
13. This application is, accordingly, allowed.
14. Let the petitioner, above named, 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 6th Additional Sessions Judge -cum- Special Judge, POCSO, Patna, in connection with Special (POCSO) Case No. 60 of 2024, arising out of Mahila Police Station Case No. 22 of 2024.

Prabhkar Anand/-

(Anil Kumar Sinha, J.)

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