

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45399 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- MATIYARIA District- West Champaran

Rahul Ram @ Rahul Kumar Son of Umesh Ram Village-Mehnaul Police
Station- Matiyariya District- West Chamaparn

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunaina Devi Wife Of Pahlad Ram Village-Mehnaul Police Station-
Matiyariya District- West Chamaparn.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 05-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Despite issuance of valid notice, no one appears on
behalf of Opposite Party No. 2.

3. The petitioner seeks bail in a case registered for the
offence punishable under Sections 137(2), 96, 3(5) of BNS and
under Section 4 of the POCSO Act.

4. As per the prosecution case, allegation in the FIR is
that while two of the informant's daughter had gone out, a co-
villager Rahul Ram (petitioner) along with two other co-accused
persons assaulted the elder sister and took away the younger
sister who could not be found on search.



5. Learned counsel for the petitioner submits that the petitioner who is a young boy of 21 years has been falsely implicated on account of a land dispute pending between the parties and as a matter of fact the informant and the petitioner are next door neighbours and no such incident has actually taken place. It is further submitted that the victim was recovered on the basis of a secret information near the house of one Shambhu Ram on the following day i.e. 03.01.2025 and the petitioner was not found there. In order to falsify the claim of the informant and the victim herself that she was subjected to rape, the learned counsel has pointed towards the medical report of the victim girl in order to contend that although she was subjected to medical examination on the following day of assault itself, neither the hymen was ruptured nor any injury was found on the private part and the vaginal swab also did not indicate the presence of any spermatozoa, thus leading to the opinion of the Doctor that there was no recent evidence of sexual assault. The petitioner is in custody since 05.03.2025 and charges have already been framed in this case.

6. Learned APP for the State opposes the grant of bail to the petitioner on the ground that the victim has supported the prosecution case under section 183 of the BNSS.



7. Taking into consideration the facts and circumstances and also considering the fact that the medical evidence does not at all stand in support of the case of the prosecution coupled with the fact that the petitioner is a young boy with no criminal antecedent and is in custody since 05.03.2025 and the charges have already been framed, let the above named petitioner, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned **District and Additional Sessions Judge, 7th cum Special Judge, POCSO, Bettiah, West Champaran** in connection with **Matiyariya P.S. Case No. 01 of 2025**, subject to the following condition:- (i) the father of the petitioner shall be one of the bailors. (ii) the petitioner shall co-operate in the trial and would appear on each and every date and in case of non-appearance on two consecutive dates without sufficient cause, his bail bond shall stand cancelled.

(Soni Shrivastava, J)

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