

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49465 of 2025

Arising Out of PS. Case No.-14 Year-2025 Thana- SC/ST District- Buxar

Akash Chaudhary @ Ganesh Chaudhary, S/o Shyam Lal Chaudhari, R/o Village-Nawadera Tola, Noniya Tola, P.O.-Purana Bhojpur, P.S.- Naya Bhojpur O.P., Dist.- Buxar

... .. Petitioner

Versus

1. The State of Bihar
2. XXX D/o Akhilesh Kumar Ram, R/o Village-Nawadera Tola, Noniya Tola, P.O.- Purana Bhojpur, P.S.- Naya Bhojpur O.P., Dist.- Buxar

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Krishna Kant Pandey, Advocate Mr. Amit Kumar Pandey, Advocate
For the State	:	Mrs. Usha Kumari I, Spl. P.P.
For the O.P. No.2	:	Mr. Bachan Jee Ojha, Advocate Mr. Navin Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 17-11-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State duly assisted by learned counsel appearing for the informant.

2. The accused/petitioner seeks bail in connection with Buxar SC/ST P.S. Case No.14 of 2025 registered for the offences punishable under Sections 76, 64 of the Bhartiya Nyaya Sanhita, 2023 (for short 'B.N.S.'), under Sections 3(1)(r)(s)(wi), 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act as well as Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences



Act (in short 'POCSO Act').

3. The accused/petitioner is named in the FIR and is in custody since 13.05.2025.

4. Allegation against the petitioner is to commit rape upon informant aged about 15 years while she was working in her field. During the occurrence, the petitioner asked his friend to prepare the video of the occurrence. The friend of petitioner also alleged to given bad touch to the informant during the occurrence.

5. It is submitted by learned counsel appearing for petitioner that due to bad village politics, the petitioner has been implicated with present occurrence. It is submitted that even victim could not examined despite custody of petitioner for about six months. It is also pointed out that the medical report not suggesting any injury in or around private part of the victim though, he conceded that the FSL is reserved in this regard. It is also pointed out that the present FIR is lodged with delay of four days. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and,



as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by Mr. Bachan Jee Ojha, learned counsel appearing for informant while opposing the prayer of bail submitted that the specific allegation as to commit penetrative sexual assault/rape is available against this petitioner. It is submitted that on instance of this petitioner only, the video of rape was captured by other co-accused persons. It is pointed out that upon medical examination, curved abrasion on right cheek and three small abrasion on upper side of neck of the victim was found. It is pointed out that as medical examination took place on 12.05.2025 for the occurrence dated 07.05.2025, the clear finding of injury of private part could not surface. However, FSL report is still awaiting in this regard. It is also submitted that the delay of FIR is well-explained, as the parents and brother of victim was outside village in connection with marriage function.

7. In view of aforesaid factual submissions and by taking note of injury, as discussed aforesaid, which found upon victim upon her medical examination and also by taking



note of specific allegation as raised by victim against this petitioner by victim *qua* penetrative sexual assault/rape, accordingly, the prayer of bail of this petitioner stands rejected for the present.

8. However, learned trial court is directed to conclude the trial within preferred timeline of one year from the date of cognizance as available under Section 35(2) of the POCSO Act.

(Chandra Shekhar Jha, J.)

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