

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58409 of 2025

Arising Out of PS. Case No.-417 Year-2025 Thana- BHABHUA District- Kaimur (Bhabua)

1. Vikash Bind S/O Bindu Bind R/O Vill.- Machiyawan, P.S.- Bhabhua, Dist.- Kaimur
2. Sanjay Kumar Bind @ Sanjay Bind S/O Bachai Bind R/O Vill.- Machiyawan, P.S.- Bhabhua, Dist.- Kaimur

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Chinta Devi W/o Ajay Bind, R/o Vill.- Machiyawan, P.S.- Bhabhua, Dist.- Kaimur

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Radha Mohan Pandey, Advocate
For the Informant	:	Mr. Tribhuvan Narayan, Advocate
For the State	:	Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-11-2025 Heard the parties.

2. The petitioners seek bail in connection with Bhabua P.S. Case No. 417 of 2025, dated 18.05.2025 registered for the offences under Sections 70(1) Bharatiya Nyaya Sanhita and Section 6 of the POCSO Act.

3. The petitioners are named in the F.I.R. and are in custody since 19.05.2025.

4. The allegation against the petitioners is to commit penetrative sexual assault/rape upon the daughter of the informant aged about 17 years and 5 months along with



other co-accused persons while she was attending marriage function.

5. Learned counsel appearing on behalf of the petitioners submitted that though as per school certificate the victim appears minor, but taking note of medical report and physical appearance, she appears major and therefore, the implication of petitioners under POCSO Act appears not convincing. As per medical report, no any external injury was noticed upon the victim and not even an injury was noticed in and around her private part, which also creates a doubt about occurrence, particularly when the victim was alleged to be raped by both petitioners. It is further submitted that the gravity of injury as appears from the version of the informant, who is none but the mother of the victim that she witnessed victim in unconscious condition in the morning, i.e., after a couple of hours of the occurrence, but in such a case, non-finding of any medical injury makes a serious doubt qua allegation as alleged against the petitioners, who are none but the uncles and agnate of the informant's daughter/victim. While concluding the argument it is submitted that,



petitioners are men of clean antecedent and moreover, investigation of this case has already concluded, chargesheet submitted, and as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail. Learned APP duly assisted by learned counsel for the informant namely, Tribhuwan Narayan, while opposing the prayer for bail submitted that the informant is the eyewitness of the alleged occurrence to the extent that she found the victim in unconscious condition near the place of occurrence and her dress and clothes found torn to the extent that the victim was found in naked conditions. It is submitted that it is not a case of lover affair or property dispute as to suggest false implication. It is also submitted by learned counsel for the informant that the trial of this case is in progress and only two prosecution witnesses, i.e., doctor and investigating officer are remained to be examined which may shortly be examined by the Special Court. It is also pointed out by the learned counsel for the informant that the victim supported the occurrence of gang-rape/aggravated



penetrative sexual assault vide recording her statement under Section 180 and also under Section 183 of the BNSS.

7. In view of aforesaid factual submission and by taking note of fact as the victim categorically supported the occurrence while recording her statement under Sections 180 and 183 of the BNSS coupled with the fact that progress of the trial of this case appears satisfactory, accordingly, prayer of bail of the petitioners stand rejected for the present.

8. As petitioners remain in custody since 19.05.2025, accordingly, learned trial Court is directed to conclude the trial within provisioned timeline as available under Section 35(2) of the POCSO Act, failing which the petitioners may approach for renewal of their bail, if so advised.

(Chandra Shekhar Jha, J)

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