

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58153 of 2025

Arising Out of PS. Case No.-41 Year-2024 Thana- BARHARA KOTHI District- Purnia

Pappu Yadav @ Pappu Kumar S/o Shovi Yadav @ Saheb Yadav R/o Village -
Ramganj, Ward No. 08, P.S - Gawaplada, District - Madhepura

... .. Petitioner

Versus

1. The State of Bihar
2. Hira Devi W/o Bindu Sharma R/o Village - Bharna Tola, Ward No. 5, P.S -
Barhara Kothi, District - Purnia

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-11-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection

with Barhara Kothi (R.Nagar) P.S. Case No. 41 of 2024

registered for the offences under Sections 363, 366A/34 of

the Indian Penal Code.

3. The accused/petitioner is named in the First

Information Report and is in custody since 03.05.2025.

4. Allegation against the petitioner is to commit

rape/penetrative sexual assault upon the minor daughter of

the informant aged about 16 years, while she went for cutting



grass alongwith Poonam Kumari.

5. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner was not apprehended alongwith victim girls from the train and his name transpired in this case only out of local dispute and differences. It is submitted that medical report is also not supporting the occurrence.

6. 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. However, petitioner is a man of clean antecedent.

7. Learned A.P.P. for the State, while opposing the prayer for bail of the petitioner, submitted that this is a case of aggravated penetrative sexual assault as both recovered victim girls aged about 16 years and 14 years categorically stated, while recording their statement under section 164 of the Cr.P.C./183 of the B.N.S.S., that this petitioner alongwith one co-accused Amit committed rape upon them. It is also pointed out that non-finding of injury upon the victims does



not lead to conclusion *ipso facto* that rape was not committed upon for the reasons that rape is a legal finding not a medical one.

8. In view of aforesaid factual submission and by taking note of the fact as both victims categorically stated in their statement as recorded under section 164 of the Cr.P.C. that this petitioner alongwith co-accused committed penetrative sexual assault/rape upon them, accordingly, prayer of bail of the petitioner stands rejected herewith for the present.

9. However, considering the fact that petitioner is in custody since 03.05.2025, learned trial court is directed to conclude the trial within preferred timeline as provisioned under section 35(2) of the POCSO Act.

(Chandra Shekhar Jha, J)

Rajeev/-

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