

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63905 of 2024

Arising Out of PS. Case No.-149 Year-2024 Thana- MAHUA District- Vaishali

Billi Kumar @ Subodh Kumar Son of Dharti Paswan @ Basant Paswan @
Vasant Paswan Village- Jahangirpur Salkhani, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari Son of Sanjit Kumar R/O Jahangirpur Salkhani, P.S.- Mahua,
Dist.- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vasant Vikas, Adv.
For the Opposite Party/s	:	Mr. Suman Kumari Singh, APP
For the Informant	:	Mr. Bhubneshwar Mahto, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 02-04-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with Mahua
P.S. Case No. 149 of 2024 instituted for the offences under
Sections 376(D), 506, 34 of the I.P.C. and Sections 4 and 6 of
the POCSO Act.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of committing rape
upon the Informant and her cousin sister. They also threatened
them of not disclosing about the incident to anyone.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to enmity and dirty village politics. There is no independent witness to the alleged occurrence rather the same are interested witnesses. He further submits that the petitioner and the informant's sister have not been examined medically and, in absence of the medical examination, the involvement of the petitioner seems doubtful. There is also contradictions between the allegation made in the F.I.R. and the re-statement of the victim (Informant) which creates doubt in the veracity of the prosecution case. The medical report of the Informant Puja Kumari does not support the prosecution case as during medical examination, no evidence of recent sexual contact or injury has been found and the doctor has assessed the age of the Informant in between 17-19 years. The doctor has also assessed the age of co-victim Kajal Kumari to be 18 years and thus, the POCSO Act is not attracted in this case. The petitioner has no criminal antecedent and is languishing in judicial custody since 02.04.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in



nature. He further submits that as per F.I.R., there is direct allegation of rape against the accused persons including the petitioner upon both the victim girls. The victim girls in their statement recorded under Section 164 Cr.P.C. have also supported the prosecution case. The Investigating Officer, after completion of investigation, has submitted charge-sheet under Sections 341, 354B, 506, 34 of the I.P.C. and Section 12 of the POCSO Act.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of six months from the date of receipt/production of a copy of this order.

(Rudra Prakash Mishra, J)

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