

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64591 of 2024

Arising Out of PS. Case No.-64 Year-2024 Thana- KURSAKANTA District- Araria

Sonu Kumar Roy @ Sonu Kumar, aged about 21 years, Male, S/O Azad Roy,
Resident of village- Ghat Chikni, Ward No. 12, P.S- Kursakanta and District-
Araria

... .. Petitioner

Versus

1. The State of Bihar
2. XX, aged about 16 years, D/O Triloki Singh, R/O Ghat Chikni, Ward No. 12, Kursakanta, Distt.- Araria.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Sr. Advocate and Mr. Nadimul Hasan, Advocate
For the State	:	Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 15-04-2025 Heard learned senior counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kursakanta P.S. Case No. 64 of 2024 dated 23.04.2024
registered for the offences punishable under Sections 341, 323,
376, 504 and 506 of the I.P.C., Section 4 of the POCSO Act and
Sections 67A and 67B of the I.T. Act.

3. As per the prosecution case, on 13.04.2024 at about
1.30 P.M., when the victim was going to the maternal grand
mother, in the meantime, the petitioner dragged the victim to the
field of maize and committed rape on her and had threatened her



not to disclose the matter to any body on the point of knife. It is further alleged that the co-accused had made obscene video of the incident and later on video was made viral. The mother of the victim seen the video and informed her husband and thereafter her husband came from Punjab. Thereafter, her mother and others went to enquire the matter from the petitioner's father, then Azad Rai, Pratima Devi and Mithun Rai abused and assaulted her mother and also threatened her. It is further alleged that the villagers suggested for panchayati to settle the matter but they refused for panchayati.

4. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the alleged occurrence took place on 13.04.2024 as to when the F.I.R. has been lodged on 23.04.2024 and the delay in lodging the F.I.R., has not been explained by the prosecution. It is further submitted that the statements of the victim recorded under Sections 161 and 164 of the Cr.P.C., and the statement of the witness are word by word are same which falsifies the prosecution case. It is further submitted that as a matter of fact the present case is a counter case of Complaint Case No. 689C of 2024 dated 25.04.2024 which was filed by the father of the



petitioner against the parents of the victim. The petitioner is aged about 20 years old and as per the F.I.R., the victim is 13 years old but in the medical report, the doctor has assessed the age of the victim is aged about 16 years, hence, it cannot be possible that the occurrence occurred as alleged in the F.I.R. The petitioner passed out the Intermediate examination and is trying for higher education but he has falsely been implicated in the present case. There is no eye witness to the alleged offence. The victim has been examined by the doctor on 24.04.2024 and the doctor has opined that there is no evidence of fresh sexual assault and her age is about 14-16 years. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 24.04.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and has further submitted that the petitioner forcibly took the victim in the maize field and committed rape on her and other co-accused person made video and after 4-5 days the video had been made viral.

6. Considering the aforesaid facts and circumstances of the case and the finding substance in the contention of the learned A.P.P. for the State, this Court is not inclined to grant



bail to the petitioner and the same is rejected in connection with Kursakanta P.S. Case No. 64 of 2024, pending in the court of learned A.D.J.-VI-cum-Special Jude (POCSO), Araria.

7. The application stands rejected.

8. The learned trial court is directed to expedite the trial of the petitioner and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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