

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67052 of 2024

Arising Out of PS. Case No.-294 Year-2024 Thana- MAHARAJGANJ District- Siwan

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Brajesh Kumar, Male, aged about 20 years, Son of Krishbalam Prasad @
Krishn Ballabh Prasad, R/o Village- Ratanpura, P.S.- Maharajganj, District-
Siwan

... .. Petitioner

Versus

1. The State of Bihar
2. Vinod Yadav, Male, aged 37 years, Son of Shivdayal Yadav, R/o Village-
Ratanpura, P.S.- Maharajganj, District- Siwan

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Raghav Prasad, Advocate
For the State	:	Mr. Nand Kishore Prasad, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 17-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Maharajganj P.S. Case No. 294 of 2024 dated 03.07.2024
registered for the offences punishable under Sections 127, 70(2)
of the B.N.S., 2023 and Sections 4/6 of the POCSO Act.

3. As per the prosecution case, on 02.07.2024 at about
7.30 P.M., when the victim went for call of nature in the field
which is situated in the back side of her house, the petitioner
and the co-accused person, Deepak Kumar, forcibly took the
victim for some distance from the field and committed rape on
her and also made video. Anyhow, the victim saved herself and



went to her house and narrated the whole story to her family members.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is land dispute between the parties and both are residents of same village. It is further submitted that the victim has been examined and the doctor has opined that there is no evidence of recent sexual assault. No spermatozoa was seen either dead or alive on the private part of the victim. There is no sign of any injury on the body. Hence, these facts falsify the prosecution case. It is further submitted that the victim in her statement recorded under Section 183(6) of B.N.S.S., 2023 has clearly stated that the petitioner has not committed rape on her but he tried to commit rape on her but anyhow, she assaulted and pushed away him and saved herself and fled away from there. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 03.07.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above



named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO, Siwan in connection with Maharajganj P.S. Case No. 294 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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