

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69907 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- KACCHWA District- Rohtas

Raja Kumar @ Priyanshu Kumar Son of Upendra Kumar Singh Resident of
Vill- Mangraon, P.S- Kachhawa, District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nirajal Yadav Son of Godhan Singh Resident of Vill- Mangraon, P.S-
Kachhawa, District- Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

Mr. Jaiprakash Singh, Adv.for Informant

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 25-04-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks bail in Kachhawa P.S. Case
No. 35/2024 registered for offence under Sections 365/376/34 of
the Indian Penal Code and Section 4/6 of the POCSO Act.

3. As per prosecution case, on 09.04.2024 at about
8:30 PM, informant's daughter went to attend call of nature, in
the meantime, this petitioner and one co-accused came and
caught her and thereafter, this petitioner took her in a room and
raped her till night and on the next day at 3:00 PM, she was
released from their custody.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. In fact,
there was love-affairs between victim and petitioner. The victim



herself came at the shop of petitioner and pressurized him for marriage, which was refused by petitioner, and thereafter, this false and concocted case has been lodged. In the medical report, the doctor has opined that “*It is very difficult to say that whether sexual intercourse has happened or not.*”. The age of the victim has been assessed, as 18 – 19 years. Pregnancy test is also negative. Petitioner has got clean antecedent and is in custody since 13.08.2024.

5. However, Learned counsel for the State and informant vehemently opposed the prayer for bail and submitted that there is specific and direct allegation against this petitioner that he committed rape with informant’s daughter. The victim, in her statement recorded under Section 164 Cr.P.C., has supported the prosecution case.

6. Considering the nature and gravity of the offence, coupled with the fact that victim has supported the prosecution case in her statement recorded under Section 164 Cr.P.C., the prayer for bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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