

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72951 of 2024

Arising Out of PS. Case No.-257 Year-2024 Thana- RAMGARH District- Kaimur (Bhabua)

Sunil Kumar Thathera Son of Late Arvind Thathera Resident of village -
Ramgarh, P.S.- Ramgarh, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raju Kumar Son of Chhilu Ram Resident of village - Ramgarh, P.S.-
Ramgarh, District - Kaimur at Bhabua.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajani Kant Pandey, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar Singh No. 1, APP
For the Informant	:	None

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

ORAL ORDER

6 20-06-2025 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary. None appears on
behalf of the informant despite being informed by learned APP
for the State.

2. The petitioner seeks bail in connection with
Ramgarh P.S. Case No. 257 of 2024, instituted for the offences
punishable under Sections 65(1), 3(5) of the Bharatiya Nyaya
Sanhita, 2023 and Section 4 of the POCSO Act.

3. The prosecution case, in short, is that, the victim
girls were standing near Ramgarh Police Station, in the
meantime, three boys came in white coloured Magic vehicle and
they forcefully made them sit in the said vehicle and took them



in a hotel in Station Road, Mohania where the petitioner committed rape upon one out of three victim girls.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submits that there was love affair between the petitioner and one of the victim girls. It is further submitted that statement of the victim does not corroborate with the prosecution story. It is further submitted that the allegation levelled against the petitioner is general and omnibus in nature. The petitioner is in custody since 28.07.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and submits that the victim is a minor girl and the petitioner has committed rape upon her. It is further submitted that the victim girl in her statement recorded under Section 161 of Cr.P.C. and Section 164 of Cr.P.C. has also corroborated the allegation levelled against the petitioner. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence,



this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. The trial Court is directed to expedite the Trial.

(Rudra Prakash Mishra, J)

Rajorshi/-

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