

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75352 of 2024

Arising Out of PS. Case No.-435 Year-2023 Thana- SHAHKUND District- Bhagalpur

Ankush Kumar Son of Nageshwar Paswan R/v-Panchrukhi Bazar PS
-Shahkund Distt- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Indeshwari Prasad Mandal, Advocate
For the Opposite Party : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 04-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is the second attempt on behalf of the petitioner for grant of regular bail in connection with Shahkund P.S. Case No.435 of 2023 registered for the offence under section 376 of the Indian Penal Code and under section 4 of the POCSO Act.

3. Earlier the bail application of the petitioner has been rejected vide order dated 14.03.2024 passed in Criminal Miscellaneous No.17916 of 2024.

4. The petitioner is accused of committing rape with a minor girl. He is in custody since 31.10.2023.

5. Out of six prosecution witnesses, one witness i.e. the prosecutrix has been examined.



6. Learned counsel for the petitioner submits that the deposition of the prosecutrix is not in support of the allegations levelled by her in the F.I.R.

7. Learned counsel for the State has opposed the bail application of the petitioner and has submitted that in view of the judgment of the Hon'ble Supreme Court in the case of *X vs. State of Rajasthan & Anr.* reported in **2024 SCC OnLine SC 3539**, the prayer of the petitioner for grant of bail cannot be considered at this stage when the witnesses are being examined.

8. Considering the fact that it is a case of rape of a minor girl and in view of the judgment rendered by the Hon'ble Supreme Court in the case of *X vs. State of Rajasthan & Anr. (supra)*, I am not inclined to grant bail to the petitioner. Accordingly, this bail application is dismissed. The trial court is directed to expedite the trial and conclude the same at the earliest.

(Sandeep Kumar, J)

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