

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77084 of 2024

Arising Out of PS. Case No.-20 Year-2023 Thana- MAHILA P.S. District- Patna

Rakesh Kumar @ Rakesh Ram Son of Nashib Ram @ Nashibi Ram Resident
Of Village - Paharpur Ward No.-1, P.S. - Jurawanpur, District - Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Prachi Kumari Daughter Of Sunil Kumar Resident Of Village - Harnadiya,
P.S. - Bakhtiyarpur, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C.Verma, Sr. Advocate Mr. Ganesh Prasad Singh, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 27-06-2025 Heard Mr. Y.C.Verma, learned senior counsel for

the petitioner and Mr. Shailendra Kumar Singh, learned

Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
16.07.2024 in connection with POCSO Special Case No. 70 of
2023 arising out of Mahila P.S. Case No. 20 of 2023, F.I.R.
dated 24.02.2023 for the offences punishable under Sections
376, 328, 506, 509/34 of the Indian Penal Code, Section 4 of the
POCSO Act and Sections 67 and 67(a) of the IT Act.

3. According to prosecution case, this petitioner with
the help of his family members took the victim to his home.
This petitioner committed rape upon her and also took nude



photographs of her and threatened her to make them viral if she did not perform marriage with him.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R.

5. Vide order dated 31.01.2025 a report was called with regard to the present stage of trial. Report of the learned Trial Court dated 12.03.2025 reveals that the trial has began and out of 9 charge sheet witnesses, 3 witnesses have been examined.

6. Learned Additional Public Prosecutor on the basis of material available on record and the case diary has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has committed rape upon the victim. Victim was examined on 06.05.2023 and the medical report of the victim suggest that the age of victim was 14-16 years which means that the victim was minor at the time of occurrence. Apart from that the victim has also categorically stated that the



petitioner has committed wrong with her.

7. Considering the aforesaid facts and circumstances as well as report of the learned Trial Court, I am not inclined to enlarge the petitioner on bail in connection with POCSO Special Case No. 70 of 2023 arising out of Mahila P.S. Case No. 20 of 2023 pending in the court of learned Additional Sessions Judge VI cum Special Judge, POCSO, Patna.

8. Prayer is refused.

9. However, learned Trial Court is directed to expedite and conclude the trial at the earliest.

(Rajesh Kumar Verma, J)

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