

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77218 of 2024

Arising Out of PS. Case No.-259 Year-2024 Thana- RAJPUR District- Buxar

Biru Kumar Rajbhar @ Veeru Kumar Son of Surendra Rajbhar Resident of
village- Mangrawn, PS- Rajpur, District -Buxar

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Madam Sharma Son of Kashinath Sharma Resident of village- Mangrawn,
PS- Rajpur, District -Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Adv.
For the Opposite Party/s : Mr. Chaoubey Jawahar, APP
For the Informant : Mr. Ramakant Yadav, Adv.

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

ORAL ORDER

3 23-01-2025 Heard learned counsel for the petitioner and Mr.

Choubey Jawahar, learned APP for the State as also learned

counsel for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Rajpur
P.S. Case No. 259 of 2024 instituted for the offences under
Section 137(2) of the B.N.S., 2023 and Section 8/12 of the
POCSO Act.

3. The prosecution case, in short, is that on
12.08.2024, the Informant's minor daughter had gone to a
barren land for defecation but, she did not return. The
accusation has been made against the petitioner of kidnapping
the victim girl.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The F.I.R. has been lodged after nine days of the missing of the daughter of the Informant from the house which creates doubt in the prosecution date. He further submits that it is out and out a love story matter between the petitioner and the victim girl on her own free will and volition came out from her house because the Informant was not ready to accept their live relation. There is delay of 9 days in instituting the F.I.R. Medial report does not support the prosecution case as opinion has been given therein that there is no recent sign of sexual act. The petitioner has no criminal antecedent and is languishing in judicial custody since 26.08.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State and the Informant has vehemently opposed the prayer for grant of bail to the petitioner, stating that the victim girl has been recovered and she, in her statement recorded under Section 164 Cr.P.C./183 of the B.N.S.S. has made specific allegation against the petitioner of forcefully committing rape upon her. Charge-sheet has been submitted in this case against the petitioner. The victim girl is minor and, hence, the petitioner does not deserve



bail.

6. Having heard rival contention of both the parties and considering the nature and gravity of the offence as also considering the statement of the victim girl recorded under Section 183 of the B.N.S.S., this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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