

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74097 of 2025

Arising Out of PS. Case No.-9 Year-2021 Thana- MAHILA P.S. District- Bhojpur

Binod Kumar @ Binod Kumar Singh S/o Bindeshwari Singh R/o Village -
Dullamchak, P.S - Chauri, District - Bhojpur, Bihar, Pin - 802208

... .. Petitioner/s

Versus

1. The State of Bihar
2. X.Y.Z D/o Ram Bachan Yadav (Victim) R/o Village - Dullamchak, P.S -
Chauri, District - Bhojpur, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

Mr. Ajay Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with Bhojpur
Mahila P.S. Case No. 09 of 2021 registered for the offence
under Sections 323, 342, 376(D), 456/34 of the I.P.C. and
Section 6 of POCSO Act.

3. The petitioner is named in the F.I.R. and is in
custody since 12.08.2025.

4. As per prosecution on 18.01.2021 at about 9 PM
while the victim was alone in her house this petitioner alongwith
other person committed rape upon her. It is submitted that
victim and her parents were confined to their house for long 5-7



days and were not allowed to come outside.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner is the neighbor of the informant. It is pointed out that one of the co-accused, who is brother of this petitioner namely, Amit Kumar @ Chitoh was in love with the informant, aged about 16 years and when the marriage was objected by this petitioner and other family members, the whole family members were implicated with present false and concocted case without any cogent material. It is submitted that trial *qua* one co-accused namely Ramji Singh, who is also one of the co-accused having similar allegations as of petitioner, now already concluded, where he was acquitted against which the appeal was preferred before the Division Bench of this Court which was also confirmed through Cr. APP (DB) No. 845 of 2023 vide its judgment dated 13.08.2025. It is also submitted that the co-accused namely, Amit Kumar @ Amit Kumar Singh @ Chitoh has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 34954 of 2025 vide order dated 18.07.2025. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is



completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual submission and by taking note of fact that allegation of rape appears raised against all four brothers in the background of love affairs, where main co-accused/ brother namely, Chitoh, has already granted bail by this Court, coupled with fact that investigation of this case is already completed, where petitioner remains in custody since 12.08.2025, accordingly petitioner above named, is directed to be released on bail in connection with Bhojpur Mahila P.S. Case No. 09 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Addl. Sessions Judge VI, Bhojpur, Ara /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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