

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80679 of 2024

Arising Out of PS. Case No.-266 Year-2024 Thana- PATLIPUTRA District- Patna

Raj Kumar Son of Dinesh Rai R/o - Hawaspur, P.S - Shahpur, District - Patna,
At present R/o - Nehru Nagar, bhangeri Gali, Tenant of Sukhlal Saw, P.S -
Patliputra, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rita Devi Wife of Anil Rai r/O- pahleja Shahpur, P.S.- Sonepur, Distt.- Saran
(Chapra), A/P Nehru Nagar, R/o - Nehru Nagar, Bhangeri Gali, Tenant of
Vinay Choudhary, P.S.- Patliputra, Distt.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Adv.
For the Opposite Party/s : Ms. Madhuri Lata, APP
For the O.P. No.2 : None

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

ORAL ORDER

7 08-04-2025 Heard learned counsel for the petitioner and learned

APP for the State. No one appears on behalf of the O.P. No.2.

Perused the case diary.

2. The petitioner seeks bail in connection with Special
(POCSO) Case No. 184 of 2024 arising out of Patliputra P.S.
Case No. 266 of 2024 a instituted for the offences under
Sections 126(2), 115, 118(2), 74, 64(1), 352, 351(2) of the
B.N.S., 2023 and Section 4/6 of the POCSO Act.

3. As per prosecution case, the petitioner entered into
the house of the victim and took her away outside the house into
Khatal where he brutally assaulted her as well as made forceful



physical relation with her.

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. As per medical report, there is no injury on the private part or on any part of the body of the victim. He further submits that there is delay of three days in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. The petitioner has one criminal antecedent and is languishing in judicial custody since 28.08.2024 without any rhymes or reason.

5. Learned counsel for the petitioner has filed supplementary affidavit stating therein that the trial has started and two witnesses i.e. P.W.1 and P.W.2 have been examined in this case.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The informant in her re-statement has corroborated the allegations levelled in the F.I.R. Several witnesses in their statement have also supported the prosecution case. The victim is minor. The victim girl in her statement recorded under Section 161 of the



Cr.P.C. has supported the prosecution case and she has specifically made allegation against the petitioner of making forcible physical relation with her. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner under Sections 126(2), 113, 64(1), 352, 351(2), 118(2), 74 of the B.N.S., 2023 and Section 4/6 of the POCSO Act.

7. Having heard learned counsel for the parties and considering the nature and gravity of the offence as also the trial is already in progress, this Court is not inclined to grant bail to the petitioner at this stage.

8. 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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