

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75491 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- SC/ST District- Buxar

Devendra Kumar Singh @ Dharmendra Kumar Singh S/o Lal Bahadur Singh
R/o Village - Chakrhansi, P.S - Buxar (Mufassil), District - Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Miss X D/o Munna Ram R/o Village - Chakrhansi, P.S - Buxar (M), District - Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Adv

For the Opposite Party/s : Mr. Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 09-12-2025 Heard the parties.

2. The petitioner seeks bail in connection with SC/ST P.S. Case No. 08 of 2025 registered for the offence under Sections 126(2), 115(2), 70(1), 352, 351(2) and 3(5) of the BNS, Sections 4 and 6 of the POCSO Act and Section 3(i), (r), (s), (wi)/3(2)(va) of the SC/ST Act.

3. The petitioner is named in the F.I.R. and is in custody since 15.09.2025.

4. The allegation against the petitioner is to commit rape upon informant aged about 16 years on false pretext of marriage.

5. Learned counsel appearing on behalf of the petitioner submitted that admittedly informant was in love with younger



brother of this petitioner namely Akhilesh Kushwaha and when for any of the social reasons marriage of informant could not solemnize with younger brother of petitioner, she implicated entire family including petitioner who is elder brother and other family friends for no reason. It is also submitted that during investigation it transpires that injury what she received on her face, lips and eyes was due to physical assault made by father of the informant. In support of his submission learned counsel for the petitioner drew attention towards para no(s). 201 & 203 of the case diary. Arguing further, it is submitted that except some facial injuries, no injury as alleged was noticed in and around private part of the victim particularly in the circumstance where she alleged to be raped by 7 persons. It is also pointed out that while recording her statement under Section 183 of the BNSS she categorically stated that her leg was fractured due to assault, but upon medical examination no such injury found which further falsified the allegations.

6. It is also submitted that upon radiological examination the medical board of three doctors constituted for examination of victim/informant found her between the age group of 18 to 19 years. It is further submitted that just considering some facial injuries on the face, bail prayer of petitioner was



rejected by learned Trial Court. Lastly, it is pointed out that still this matter is at cognizance stage. While concluding the argument, it is submitted that petitioner found involved in one more case in which he was acquitted and therefore as on date he 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.

7. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that allegation of committing rape is specific against this petitioner. However, he could not disputed aforesaid factual submissions.

8. In view of aforesaid factual submission and by taking note of fact as prima-facie investigation suggest that injury as received by informant/victim on the face caused by her father, where other injuries as alleged to be caused during the occurrence prima-facie also not appears corroborating with the medical report, where allegation raised on false pretext of marriage, coupled with fact as investigation of this case already completed, where petitioner remains in custody since 15.09.2025, accordingly petitioner above named, is directed to be released on bail in connection with SC/ST P.S. Case No. 08 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of



the like amount each to the satisfaction of learned Special Judge,
POCSO, Buxar/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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