

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79610 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- MAHILA P.S. District- Madhepura

Ajit Kumar Son of Amrendra Sharma Resident of Village - Baluaha, Ward
No. 7, P.S. - Parmanandpur, District - Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Fuliya Devi Wife of Bhupendra Sharma Resident of Village - Baluaha, Ward
No. 7, P.S. - Parmanandpur, District - Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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

ORAL ORDER

4 05-02-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Madhepura Mahila P.S. Case No. 35 of 2024 instituted for the
offence under Sections 65(1), 126(2) of the Bharatiya Nyaya
Sanhita, 2023 and Section 4 & 8 of the POCSO Act.

3. Prosecution case in short is that on 30-07-2024 at
about 10 P.M. petitioner entered into the house of the informant
and gagged the mouth of her minor daughter and raped her.
When victim raised alarm, then her family members came there
and petitioner fled away.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 04-08-2024. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. No incriminating article was recovered from the petitioner's possession. There is no eye witness to the occurrence. As per medical report, the doctor has not found any external or internal injury on the body of the victim girl. The doctor has not found any sign of rape. Police after completion of investigation has submitted charge sheet in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that victim has supported the prosecution case in her statement recorded under Section 183 of the BNSS, 2023. Other witnesses have also supported the prosecution case. Hence, he does not deserve the privilege of bail.

7. Considering the aforesaid facts and circumstances of the case, specifically taking into account the statement of the victim coupled with nature and gravity of the offence, this Court, at this stage, is not inclined to grant bail to the petitioner. Prayer for grant of bail is, accordingly, *rejected*.



8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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