

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80501 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- JAMUI District- Jamui

Raja Kumar @ Prem Kumar Son of Ramji Bind Vill.- Harla, P.S.- Jamui,
District- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shweta Kumari D/O Mukesh Bind Vill.- Harla, Post- Amrath, P.S.- Jamui,
District- Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Jai Narain Thakur, APP
For the Informant	:	Ms. Priya Raj, Advocate
		Mr. Sandeep Kumar Mandal, Advocate

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

ORAL ORDER

4 20-02-2025 Heard learned counsel for the petitioner and learned APP

for the State as also learned counsel for the informant. Perused

the case diary.

2. The petitioner seeks bail in connection with

POCSO Case No. 33 of 2024 arising out of Jamui P.S. Case No.

18 of 2024 instituted for the offence under Sections 376, 341,

324, 504 & 506 of the Indian Penal Code and Section 4 of the

POCSO Act.

3. Prosecution case in short is that petitioner in a

drunken state, broke into the informant's house, attempted to

rape her and assaulted her father, but was caught by villagers



and handed over to the police. It is further alleged that petitioner had raped her 20 days earlier but she remained silent out of fear, as he had also threatened her with dire consequences.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 12-01-2024. Petitioner bears one 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, as evident from the delayed FIR, which raises serious doubts about prosecution's case. Learned counsel for the petitioner submits that despite claims of arrest on the spot, no mandatory medical examination was conducted, violating Section 53 of the Cr.P.C. It is next submitted that in absence of a medical report for the informant's father contradicts allegations of injury, and forensic tests found no evident of sexual assault. Learned counsel goes on to submit that witnesses statements confirm a prior love affair, and medical board determined the informant's age to be 19-20 years. It is lastly submitted that charge sheet has been submitted in this case.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of



bail to the petitioner. It is submitted that victim in her statement recorded under Section 164 of the Cr.P.C. has supported the prosecution case. Other witnesses have also supported the prosecution case.

7. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence, coupled with the statement of the victim, this Court 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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