

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81572 of 2024

Arising Out of PS. Case No.-21 Year-2024 Thana- BUDHUCHAK District- Bhagalpur

Bambam Singh S/O Satrudhan Singh @ Satrugan Singh Resident Of Village
- Gaughatta, P.S- Budhuchak, Dist- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Batiya Devi W/O Ram SWaroop Singh Resident Of Village - Gaughatta,
P.S- Budhuchak, Dist- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Praveen Kumar, Adv.
For the Opposite Party/s	:	Mr.Shahabuddin Azeem @ S. Azeem, APP
For the Informant	:	Mr. Swapnil Kumar Singh, Adv. Mr. Shubham Raj, Adv.

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

ORAL ORDER

3 18-02-2025 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. 99 of 2024 arising out of Budhuchak P.S. Case No. 21
of 2024 instituted for the offences under Sections 376, 120B,
504, 506 of the Indian Penal Code and Sections 4 & 17 of the
POCSO Act.

3. As per prosecution case, the accusation against the
petitioner is of committing rape upon the minor daughter of the
Informant.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case with false and frivolous allegations. The petitioner has not committed any offence as alleged in the F.I.R. and has been implicated in this case only on the basis of suspicion. There is no eye-witness or independent witness who has supported the prosecution case. There is altogether 12 days delay in instituting the F.I.R. which creates doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 20.08.2024 without any rhyme or reason.

5. On the other hand, learned A.P.P. for the State and the Informant has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. There is direct and specific allegation against the petitioner of forcible rape upon the minor victim girl. The victim girl in her statements recorded under Sections 161 and 164 Cr.P.C. has fully supported the prosecution case. The victim girl is minor and the doctor has assessed her age in between 14 and 16 years. The Investigating Officer after completion of investigation has submitted charge-sheet under Sections 376, 504, 506 of the I.P.C. and Section



04/08 of the POCSO Act against the petitioner and, hence, he does not deserve bail.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence, there being direct and specific allegation against the petitioner as also taking into consideration the statement of the minor victim girl recorded under Section 164 of the Cr.P.C., this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected at this stage with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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