

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86678 of 2024

Arising Out of PS. Case No.-133 Year-2024 Thana- KISHANPUR District- Supaul

Vikash Kumar @ Vikash Chaudhary, Male, aged about 22 years, Son of Babalu Chaudhary, Resident of Sukhashan, Ward No. 7, P.S.- Kishanpur, Distt.- Supaul

... .. Petitioner

Versus

1. The State of Bihar
2. Ranjeet Kumar Chaudhary, Male, aged about 55 years, Son of Yogendra Chaudhary, Resident of Village- Shripur, Ward No. 11, P.S.- Kishanpur, Distt.- Supaul
3. XXX, D/O- Ranjeet Kumar Chaudhary, Resident of Village- Shripur, Ward No. 11, P.S.- Kishanpur, Distt.- Supaul

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ansul, Sr. Advocate and Mr. Santosh Kumar, Advocate
For the O.P. Nos. 2 & 3	:	Mr. Sanjeev Verma, Advocate
For the State	:	Mr. Anuj Kumar Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 12-05-2025 Heard learned senior counsel for the petitioner, learned counsel for the opposite party nos. 2 and 3 and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Kishanpur P.S. Case No. 133 of 2024 dated 03.06.2024 registered for the offences punishable under Sections 366A read with Section 34 of the I.P.:.C. Later on, Section 376 of the I.P.C. and Section 3/4 of the POCSO Act were also added.

3. As per the prosecution case, the petitioner called on



the informant's phone and talked with his daughter and asked her to come outside the house, thereafter his daughter went missing.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that no incriminating article has been recovered from his possession. The petitioner was not seen at the place of occurrence and merely on the basis of suspicion, he has falsely been implicated in the present case. It is further submitted that the statement of the victim has been recorded under Section 161 of the Cr.P.C. in which she has stated that on 31.05.2024, the petitioner called her on mobile phone that he wanted to marry her and she voluntarily went to meet him and sat on his bike and both went to his friend's Plastic Factory where the petitioner forcibly committed rape on her against her will. Thereafter, the petitioner left her somewhere near Sarigarh Railway Station and promised her that he would meet her in Mumbai which he fails. The victim in her statement recorded under Section 164 of the Cr.P.C., has stated that she was in love with the petitioner while they were studying in coaching at Supaul and used to meet regularly in Supaul. She has further stated that on that fateful day, the victim went to meet him at the



night and the petitioner carried her to his friend's Plastic Factory where his friend Rajesh also tried to commit rape on her. Thereafter, the petitioner took the victim to Mumbai. It is further submitted that there are contradictions in the statement of the victim recorded under Sections 161 and 164 of the Cr.P.C. The victim was medically examined by the doctor and the doctor has opined that 'no any physical assault or spermatozoa either living or dead was found on the body of the victim'. The other co-accused Rajesh Kumar has already been granted bail by the Co-ordinate Bench of this Court in Cr. Misc. No. 64335 of 2024 vide order dated 01.10.2024, annexed as Annexure-3 to the present bail petition. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 25.06.2024.

5. Learned A.P.P. for the State and learned counsel for the opposite party nos. 2 and 3 have vehemently opposed the bail petition of the petitioner and have submitted that the petitioner is named in the F.I.R. and the victim in her statement recorded under Section 164 of the Cr.P.C. has specifically stated that the petitioner kidnapped her and forcibly committed rape on her.

6. Considering the aforesaid facts and circumstances



of the case as well as specific allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Kishanpur P.S. Case No. 133 of 2024, pending in the court of learned Additional District and Sessions Judge-VI-cum-Special Judge, POCSO Act, Supaul.

7. The bail application stands rejected.

8. The learned trial court is directed to expedite the trial of the petitioner and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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