

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85549 of 2024

Arising Out of PS. Case No.-50 Year-2023 Thana- MAHILA P.S. District- Sheikhpura

Brajesh Raut @ Brajesh Kumar S/O Baban Raut @ Vavan Kumar R/O
Village- Sarika, P.S- Sheikhpura (Hathiyawan O.P), Distt.- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kiran Devi W/O Shankar Tanti(Pan) R/O Village- sarika, P.S- Sheikhpura
(Hathiyawan O.P), Distt.- Sheikhpura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Sinha, Adv. Mr. Uday Chand Prasad, Adv. Ms. Pooja Prasad, Adv.
For the Opposite Party/s :		Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 05-03-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks bail in connection with Sheikhpura Mahila P.S. Case No. 50 of 2023 dated 09.09.2023 & (POCSO Case No. 56 of 2024) registered for the offence punishable under Sections 376(D), 506/34 of the Indian Penal Code & Section 4 of the POCSO Act respectively and Section 3(i), (r), (s), (w), (I), 3(2), (va) of SC & ST Act.

3. The prosecution case, in short, is that on the alleged date of occurrence the accused petitioner, namely, Brajesh Raut and other co-accused, namely, Rocky Kumar showed a pistol with bad intention and caught the hand of informant's daughter



who is aged about 15 years and forcefully took her inside Sanjay Raut's deserted house through Uday Raut's house. When her daughter tried to raise her voice, they tied her mouth with a towel and threatened to kill her and then both persons committed rape with her due to which her daughter became unconscious.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the occurrence took place on 03.08.2023 but F.I.R. has been lodged on 09.09.2023 after more than one month without any plausible explanation of delay. It is submitted that there is no eye witness to the occurrence. It is submitted that from medical report of victim girl, it appears that no external injury was found on her body. It is further submitted that there was love affairs between the victim girl and the petitioner due to this reason, the petitioner has been made accused in this case. Lastly, it has been submitted that the petitioner is in custody since 25.07.2024, having no criminal antecedent and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner. It is submitted that there is specific allegation against the petitioner as well as co-accused person. It



is also submitted that the statement of the victim girl recorded under Section 164 Cr.P.C. also supports the case the prosecution. It is further submitted that the victim is minor girl aged about 15 years.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties as well as statement of the victim girl recorded under Section 164 Cr.P.C., I am not inclined to grant bail to the petitioner at this stage.

7. Accordingly, the prayer of the petitioner for grant of bail is hereby **rejected**.

8. The Trial Court is directed to expedite the trial and take all endeavor to conclude the trial at the earliest, preferably, within a period of nine months from the date of receipt/production of a copy of this order. If the trial is not concluded within nine months, the petitioner will be at liberty to renew his bail application after nine months.

(Khatim Reza, J)

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