

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87231 of 2024

Arising Out of PS. Case No.-219 Year-2024 Thana- SONBERSA District- Sitamarhi

Dhirendra Kumar @ Chhotka Son of Raj Kumar Ray Resident of Village-
Kachaharipur, PS- Sonbarsa, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. XYZ @ Victim D/O- Ram Bali Ray Resident of Village- Kachaharipur, P.S.-
Sonbarsa, Distt.- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Parwej Khan, Adv.
For the Opposite Party/s	:	Mr. Pawan Kumar Chaurasia, APP
For the Informant	:	Mr. Krishna Murari, Adv.

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

ORAL ORDER

3 20-03-2025 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

Sonbarsa P.S. Case No. 219 of 2024 instituted for the offences

under Sections 65(1) & 3(5) of the B.N.S. and Section 4 & 6 of

the POCSO Act.

3. As per prosecution case, the accusation against the

petitioner is of assisting the co-accused of this case in

committing the offence of rape upon the victim.

4. Learned counsel for the petitioner submits that the

petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case due to dirty village politics. He further submits that the alleged occurrence took place on 24.07.2024 at 02.00 PM but, the F.I.R. has been lodged on 25.07.2024 which creates doubt in the prosecution case. He further submits that the main allegation of committing rape is against the co-accused Chandan Kumar and there is no allegation against the petitioner of either catching hold the Informant or of anything wrong with her. The medical report does not support the prosecution case. There is no eye-witness to the alleged occurrence. The victim girl in her statement recorded under Section 183 of the B.N.S.S. has not levelled any allegation against the petitioner. The petitioner has no criminal antecedent and is languishing in judicial custody since 09.10.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. Several witnesses have supported the prosecution case. He further submits that the petitioner is named in the F.I.R. and the victim girl in her statement recorded under Section 183 B.N.S.S. has supported the prosecution case.



6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sonbarsa P.S. Case No. 219 of 2024.

(Rudra Prakash Mishra, J)

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