

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88713 of 2024

Arising Out of PS. Case No.-86 Year-2024 Thana- KARTAHA District- Vaishali

Golu Kumar @ Navneet Kumar S/o- Manish Singh @ Manish Kumar
Resident of village- Chandwara, P.s.- Kartaha District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sneha Kumari D/o- Sanjay Sharma Village- Lautan Ps- Kartaha Dist-
Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar, Adv.
For the Opposite Party/s	:	Mr. Ashok Kumar Singh, APP
For the Informant	:	Mr. Manoj Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 07-02-2025 Heard the learned Advocate for the petitioner, learned
Advocate for the informant and the learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Kartaha P.S. Case No. 86 of 2024, registered
for the offence punishable under Sections 341, 342, 504, 506,
376(D) and 34 of the Indian Penal Code, Sections 4 and 6 of the
POCSO Act and Section 67 of the Information Technology Act.

3. Based upon the written report, the prosecution
alleges that on 26.06.2024, all the FIR named accused persons,
including the petitioner, forcibly took away the informant in a
secluded place on their motorcycle and all of them committed
rape upon her. In course of committing wrongful act, the



accused person also prepared a video clip of the occurrence and threatened the informant of making it viral.

4. Learned Advocate for the petitioner contended that the alleged occurrence took place on 26.06.2024, but the present FIR has been instituted on 05.07.2024. However, no explanation for delay has been assigned. Drawing the attention of this Court to the medical report, it is further contended that the victim has alleged that she was subjected to forceful sexual assault and rape, but, the same does not corroborate by the medical report, wherein, no injury or any sign of rape has been found. It is further contended that the petitioner is a boy of tender age and in fact, on account of village politics, the name of the petitioner has been implicated in this case. There are various other discrepancies in the investigation, inasmuch as, neither the clothes of the victim were seized nor the petitioner was examined under Section 53 (A) of the Cr.P.C.

5. On the other hand, learned APP for the State as well as the learned Advocate for the informant vehemently opposes the bail application and submits that the statement of the victim was recorded under Section 183 of the BNSS Act, wherein, she has categorically stated that it is the petitioner along with two other persons, who have committed rape upon her. Initially, the



FIR could not be lodged on account of threat meted to the victim and her family members. However, later on, when the video of the incidence got viral, thereafter, the police came to the house of the victim and her statement was recorded, leading to institution of the FIR. The learned Advocate for the informant further contended that the video, which was prepared by one of the accused, made it explicit that how the victim was subjected to commission of rape.

6. Regard being had to the submissions made on behalf of the parties and considering the serious nature of accusation of committing forceful gang rape, this Court is not acceded to the prayer of the petitioner for grant of regular bail. Accordingly, the bail application stands rejected.

(Harish Kumar, J)

shivank/-

U		T	
---	--	---	--

