

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2301 of 2025

Arising Out of PS. Case No.-71 Year-2024 Thana- KANHAULI District- Sitamarhi

Dharmapal Rai @ Dharmapal Kumar S/o Chitranjan Rai Resident of village -
Posua, P.S. - Riga, Distt. - Sitamarhi, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX D/o Vijay Kumar Yadav R/o vill - Murhadih, P.S. - Kanholi, Distt.-
Sitamarhi, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arya Achint, Advocate Dr. Arun Lata Sharma, Advocate
For the Opposite Party/s	:	Mr. Umeshanand Pandit, A.P.P.
For the Informant	:	Mr. Shankar Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 18-04-2025 Heard learned counsel for the petitioner, informant
learned A.P.P. for the State.

2. Petitioner seeks regular bail in connection with
Kanhauli P. S. Case No. 71/2024 in a case registered for the
offences punishable under Sections 376, 506/34 of the Indian
Penal Code and Section 4/6 of the Protection of Children from
Sexual Offences Act.

3. Prosecution case, in brief, is that in August, 2023
cousin sister of the informant invited informant to her house to
prepare for upcoming matriculation examination after which,
informant reached there and started preparing for examination.
On 28.8.2023, when informant was alone in the house, brother-



in-law of the informant raped her and threatened to kill her brother if she disclosed the ordeal to anyone. As a result, informant did not share the incident with anyone, fearing for the life of his brother. It is further alleged that later on, this petitioner, who is brother of brother-in-law of the informant and worked in Madhya Pradesh, came during Dussehra and raped her multiple times. On 21.5.2024, this petitioner along with co-accused Raushan Yadav took the informant to Gujarat and thereafter, kept her there and raped her. Furthermore, it is alleged that this petitioner along with other co-accused persons pressurized the father of informant to marry informant to this petitioner or face the consequences.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to pre-existing dispute. As a matter of fact, there was love affair between petitioner and the victim and she eloped with the petitioner. During investigation also, it has transpired that there was love affair between the parties and the same was acknowledged by the family members of both the parties. During investigation, it has also come that father of the informant had convened Panchayat and in order to pressurize and grab money from the family of petitioner, upon refusal to



marry, this false and concocted case has been lodged. During medical examination, doctor has found the age of victim to be between 14-17 years and no sign of sexual intercourse was found. He further submits that as per F.I.R., this petitioner first committed sexual assault with the victim in the year 2023 and for one and a half year, she kept mum and made no complaint against the petitioner and it is only when family members of the petitioner refused to meet the demand made by the informant's family, this F.I.R. has been lodged with concocted story. It is also apparent from the F.I.R. that father of the victim brought her back home. F.I.R. has been instituted after ten days of the alleged occurrence and there is no explanation for the same. Furthermore, as per F.I.R., the victim was taken away by this petitioner and others from her village to Gujarat and kept her there for days together, yet at no point of time, she raised any alarm or made complaint. Petitioner claims clean antecedent and is in custody since 07.09.2024. Charge-sheet has already been submitted.

5. Learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the bail application.

6. Considering period of custody, clean antecedent



and the fact that charge-sheet has already been submitted, the bail application is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-VI-cum-Special Judge (POCSO Act), Sitamarhi (Bihar) in connection with Kanhauli P. S. Case No. 71/2024.

(Prabhat Kumar Singh, J)

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