

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1215 of 2025

Arising Out of PS. Case No.-221 Year-2024 Thana- BYPASS District- Patna

Jitendra Kumar S/O Late Raghunath Prasad Mehta R/O Village - Bahari
Dhawalpura ,Imli Tar, P.S- Bypass, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Surendra Mahto Son of late Dev Narayan Mahto R/o-Dhawalpura PS-
Bypass District-Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Khushi Awadh, Adv.
For the Opposite Party/s	:	Mr. Chaubey Jawahar, APP
For the O.P. No.2	:	None

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

ORAL ORDER

4 07-04-2025 Heard learned counsel for the petitioner and Mr.

Chaubey Jawahar, learned APP for the State. Perused the case

diary. In spite of valid service of notice upon the O.P. No.2, no

one has appeared on his behalf.

2. The petitioner seeks bail in connection with Special
(POCSO) Case No. 145 of 2024 arising out of Bypass P.S. Case
No. 221 of 2024 instituted for the offences under Section 420,
376, 506 of the Indian Penal Code and Section 4 of the POCSO
Act.

3. As per prosecution case, the accusation against the
petitioner is of taking the Informant's 17-years-old deaf and
dumb daughter to his house and committing rape upon her. It is



also alleged that the petitioner also took her obscene photo in his mobile and threatened her to make it viral.

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. He submits that there was a love affair between the petitioner and the Informant's daughter and she was consenting party to the alleged occurrence. From perusal of the statement of the victim girl recorded under Section 161 Cr.P.C., it appears that no force was used on the victim by the petitioner. The doctor has opined the age of the victim girl to be in between 19-20 years and, hence, she is a major. The petitioner has no criminal antecedent and is languishing in judicial custody since 31.05.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that there is specific and direct allegation of committing rape against the petitioner. The victim girl in her statement recorded under Section 164 of the Cr.P.C. has made specific allegation against the petitioner of committing sexual assault upon her. Charge-sheet has been submitted in this case and the cognizance has also been taken under Sections 420, 376, 506 of



the I.P.C. and Section 6 of the POCSO Act.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence as also taking into account the statement of the victim girl recorded under Section 164 Cr.P.C., this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously

(Rudra Prakash Mishra, J)

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