

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3152 of 2025

Arising Out of PS. Case No.-78 Year-2024 Thana- TARAPUR District- Munger

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Amit Kumar @ Amrit Kumar Son of Late Naval Singh Village -Payarpur,
P.S.- Tarapur, District -Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anita Devi Wife of Jaikishor Singh village- Payarpur, Po- Bhagalpur, Ps-
Tarapur, Dist- Munger

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

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

ORAL ORDER

5 22-04-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Tarapur P.S. Case No. 78 of 2024 instituted for the offence
under Sections 376, 504, 506 of the Indian Penal Code and
Sections 4 & 6 of the POCSO Act.

3. As per prosecution case, accusation against the
petitioner is of committing rape upon the minor daughter of the
informant.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 19-08-2024. Petitioner
bears no criminal antecedent, as per disclosure made in



paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is delay of 25 days in lodging the FIR. Learned counsel for the petitioner submits that from perusal of the FIR, it would reveal that a free fight occurred between the informant and petitioner, but the informant made a false case of rape with concocted story and implicated the petitioner. It is submitted that from perusal of the medical report, it would transpire that victim refused for her medical examination, which creates serious doubt on the prosecution case. Charge sheet in this case is submitted and charge is also framed.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP for the state fervently submits that victim in her statement recorded under Section 164 of the Cr.P.C. has fully supported the prosecution case. Moreover, victim is minor, hence, petitioner does not deserve the privilege of bail.

7. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence, coupled with the fact that victim in her statement recorded u/S 164 of the Cr.P.C. has fully supported the prosecution case, this Court, is not



inclined to grant bail to the petitioner. Prayer for grant of bail to the petitioner is, accordingly, *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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