

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13588 of 2026

Arising Out of PS. Case No.-508 Year-2023 Thana- EKMA District- Saran

Tarun Kumar Singh S/O Dharmendra Chaudhary R/O Village- Sindhiya
Makandpur P.S- Gopalpur, District- Bhagalpur Petitioner/s
Versus

1. The State of Bihar Bihar
2. [REDACTED] R/O Vill.- KOhargadh, P.S- Ekma, Dist- Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Chetna, Advocate
For the Informant/s	:	Mr. Yashraj Bardhan, Advocate
		Mr. Abhimanyu Kumar, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 17-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in connection with Ekma P.S. Case No. 508 of 2023 instituted for the offence under Section 363 of I.P.C.

3. The case of the prosecution is that the minor daughter of the informant had gone missing. It is also alleged that the victim was in regular talking terms on a Mobile No. XXXXX38978.



4. Learned counsel for the petitioner has submitted that earlier bail petition of the petitioner was rejected vide order dated 25.02.25. passed in Cr. Misc. No. 70261 of 2024 by a learned coordinate Bench of this court. It is further submitted that the petitioner is innocent and has committed no offence. It is further submitted that during course of investigation, victim has given her statement under sections 161 and 164 Cr.P.C. In her statement under section 161 Cr.P.C., she stated that she was having an affair with the petitioner and she had gone with him. However, in her statement under section 164 Cr.P.C., she took a U-turn and has stated that the petitioner had committed forcible sexual intercourse with her. Learned counsel for the petitioner submits that the statement of the victim recorded under section 161 Cr.P.C. was her previous statement whereas the statement under section 164 Cr.P.C. was made under the duress and influence of her parents. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent and is languishing in judicial custody since 22.03.2024.

5. During the course of investigation, medical examination of the victim was conducted and from perusal of the medical examination report, it is clear that the Doctor who



conducted medical examination of the victim opined that the age of the victim is between 18-20 years and that she was pregnant at that time. It is further submitted that she has since given birth to a baby.

6. Countering the submissions advanced on behalf of the petitioner, learned counsel for the informant has vehemently opposed the bail and submitted that it is a case of rape with a minor girl and the trial is in progress. It is further stated that in this case only one witness has been examined. On being specifically asked, learned counsel submitted that the victim has been examined during the trial and has not supported the case of the petitioner.

7. Learned counsel has further relied upon paragraph '14' of the judgment of the Honble Apex Court in the case of **X v. State of Rajasthan** which is being given hereunder:-

14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.

8. Having heard the learned counsel for the parties and considering the facts and circumstances of this case as stated above, this court is not inclined to enlarge the petitioner on bail at this stage and, as such, his prayer for bail stands



rejected.

9. However, the petitioner will be at liberty to renew his prayer for bail after six months in the event that the trial is not concluded by then or after the examination of the victim if she supports the case of the petitioner whichever is earlier.

(Ashok Kumar Pandey, J)

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