IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36967 of 2026
CNR No. BRHC010505852026

Arising Out of PS. Case No.-244 Year-2025 Thana- PIRBAHOR District- Patna

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Rahul Kumar Chandravanshi @ Rahul Yadav S/O Ayodhya Prasad Chandravanshi Resident of Village- Dedgaon, Police Station- Dawath, District- Rohtas.

... ... Petitioner/s

Versus

1. The State of Bihar
2. X D/O Rama Shankar Rai R/O Mohalla- Punam Gali, Shiv Mandir, Bakarganj, Near Priya Hotel, P.S.- Pirbahore, Distt.- Patna.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Akash Kumar Mishra, Advocate
For the State : Mr.Madhura Nand Jha, APP
For the O.P. No.2-informant: Mr. Sandeep Kumar Mandal, Advocate
Mrs. Priya Raj, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

7 19-11-2026 Heard learned counsel for the petitioner and learned APP for the State as well as learned counsel appearing on behalf of the opposite party no. 2-informant.

02. In the present case, the petitioner seeks bail in connection with Special (POCSO) Case No. 109 of 2025, arising out of Pirbahore P.S. Case No. 244 of 2025 registered for the alleged offences under Section 64 of BNS and Section 4 of the POCSO Act.

03. As per prosecution case, the petitioner committed rape with the minor informant, who became pregnant.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The occurrence is stated to have taken place on 03.02.2025

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but the instant FIR was lodged on 28.03.2025 without any explanation for the delay of 52 days. The petitioner was working as a salesman in a medical shop and was acquaintance of the informant and her family members. It appears from the statement of the informant, who was victim, and her father, as one of the neighbours of the informant along with her husband had been running sex racket in the premises in which the informant and her family were also involved. The informant submitted an application before the learned Special Court wherein she named other persons also who committed rape with her. In the present case, it is specific case of the informant that the petitioner committed rape with her and she became her pregnant. But DNA report falsifies this allegation as petitioner was not found to be biological father though the informant was found to be the biological mother. It also appears the informant and her family tried to extort money from the petitioner and on his refusal he has been made accused in this case. The medical report of the informant shows her age to be in between 17-19 years and informant was not minor on the date of occurrence. Therefore, there could be no application of POCSO Act in this case. The petitioner is having clean antecedent and he is in custody since 18.08.2025. Charge sheet has been submitted.

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05. Learned APP as well as learned counsel appearing on behalf of opposite party no.2-informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the opposite party no. 2-informant submits that the statement of the victim girl was recorded under Section 183 of BNSS wherein she specifically named the petitioner, who committed rape with her.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation against the petitioner in the background of investigation and statement of the informant in the learned trial court and also considering the period of custody of the petitioner, his clean antecedent and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI- cum- Exclusive Special Judge-I, POCSO Act, Patna/concerned Court in connection with Special (POCSO) Case No. 109 of 2025, arising out of Pirbahore P.S. Case No. 244 of 2025, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

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(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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