

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2746 of 2025**

Arising Out of PS. Case No.-20 Year-2022 Thana- RAJEPUR District- East Champaran

Subodh Kumar S/O Mahendra Ram Resident of Village- Kuavamal, P.S.- Rajepur, District- East Champaran, Motihari. Through the natural guardian Mahendra Ram, S/O Late Suman Ram, R/O Village- Kuavamal, P.S- Rajepur, Distt.- East Champaran, Motihari.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rupam Kumari D/O Damal Ram R/O Village- Balakothi, P.S- Rajepur, Distt.- East Champaran, Motihari.

... .. Respondent/s

**Appearance :**

|                      |   |                                                   |
|----------------------|---|---------------------------------------------------|
| For the Appellant/s  | : | Mr. Sharda Nand Mishra                            |
| For the Respondent/s | : | Mr. Jharkhandi Upadhyay, APP<br>Mr. Binay Krishna |

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

4      07-05-2026                      Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

2. The present appeal has been preferred against the order dated 07.04.2025 passed by the learned District and Additional Sessions Judge-I-cum-Special Judge, Children's Court, East Champaran at Motihari in Children Trial No. 01 of 2025, arising out of Rajepur P.S. Case No. 20 of 2022, registered for the offences punishable under Sections 376(D)/34 of the Indian Penal Code and Section 3(2)(v) of the SC/ST Act, whereby the prayer for bail of the appellant has been rejected.

3. As per the prosecution case, six named accused



persons, along with the appellant, allegedly dragged the informant into a hut where the appellant and co-accused Vikky Kumar committed rape upon her, while the remaining accused persons recorded the incident by preparing a video clip. It has further been alleged that, even prior to the occurrence, the appellant and the other accused persons used to tease and harass the informant. The accused persons also allegedly threatened the victim that in the event she disclosed the occurrence to anyone, they would make the obscene video viral.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in the present case. It is further submitted that the earlier prayer for bail of the appellant was rejected vide order dated 18.04.2023 passed in Cr. Appeal (SJ) No. 3833 of 2022 as well as vide order dated 19.07.2024 passed in Cr. Appeal (SJ) No. 5349 of 2023. However, the appellant is renewing his prayer for bail on the ground that he is in observation home since 15.01.2022, charge has already been framed against him on 13.10.2022, and not a single witness has been examined so far. It is further submitted on behalf of the appellant that there is a delay of five days in lodging the FIR and there is no proper explanation for the same.

5. Learned counsel appearing on behalf of the State



has opposed the prayer for bail and submitted that the delay in lodging the FIR has been properly explained in the FIR itself, wherein it has been stated that due to threats extended by the accused persons, the victim could not approach the police immediately. It is further submitted that the allegations against the appellant are nonetheless grave and serious in nature, warranting no interference in the impugned order.

6. Having considered the rival submissions and the materials on record, this Court finds that the allegations against the appellant are of serious nature involving gang rape and criminal intimidation. The victim's explanation for delay in lodging the FIR *prima facie* appears plausible in the facts and circumstances of the case. The fact that the appellant has remained in custody since 15.01.2022 and that the trial has not substantially progressed cannot be a ground for grant of bail in a case involving such serious allegations, particularly when earlier bail applications have already been rejected twice.

7. In view of the above facts and circumstances, this Court does not find any infirmity in the impugned order dated 07.04.2025 passed by the learned court below.

8. Accordingly, the present appeal is dismissed.

9. The Superintendent of Police, East Champaran,



Motihari is directed to ensure the presence of witnesses during the trial so that the proceedings are not delayed.

**10.** The learned trial court is further directed to expedite the trial and make every endeavour to conclude it at the earliest preferably within a reasonable time without granting unnecessary adjournments to either party and by hearing the case on a day-to-day basis.

**11.** It is made clear that any observation made herein is *prima facie* in nature and limited solely for the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case and shall not influence the trial or any other proceedings in any manner.

**(Sandeep Kumar, J)**

Shishir/-

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