

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79777 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Vikash Kumar S/o- Narayan Bind Village- Sahe-Bahe, Ps-Chainpur Dist-
Kaimur at Bhabua

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rinki Kumari D/o- Sudarshan Bind Village- Sahe-Bahe, Ps-Chainpur Dist-
Kaimur at Bhabua

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuvan Narayan, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 09-01-2026 Heard learned counsel for the petitioner, learned
counsel for the Opposite Party No. 2 and learned counsel for the
State.

2. The petitioner seeks regular bail in connection with
Bhabhua Mahila P.S. Case No. 19 of 2024, lodged on
03.05.2024, under Sections 342, 323, 365, 366(A), 376(D), 506
and 34 of the Indian Penal Code & under Sections 4 and 6 of the
POCSO Act.

3. Learned counsel for the petitioner submits that the
allegation made by the informant/victim is that the petitioner,
along with others, have committed rape upon her. Counsel
further submits that the case has been filed after 13 days from



the date of occurrence. Counsel also submits that it is an out and out false case and the name of the petitioner and others has been falsely inserted. They are residents of the same village. It is stated that the medical report is completely in contradiction to the allegations made and, therefore, the petitioner deserves bail.

4. Upon the specific query of the Court as to why the informant has inserted the name of the accused petitioner only, in reply thereto, counsel submits that it is a fit case in which only and only the medical evidence should be looked into, and the medical evidence is completely in contradiction with the allegations made in the FIR.

5. Learned counsel for the informant vehemently opposes the prayer for bail and submits that it is a true case and the informant has categorically alleged the name of the petitioner in this case. He further submits that the age of the victim is only 16 years.

6. Learned counsel for the State opposes the prayer for bail and submits that the allegations made in the FIR are in complete corroboration with the statement made under Section 164 of the Cr.P.C., wherein the prosecutrix has alleged that the accused persons, including the petitioner, committed rape upon her.



7. In the present facts and circumstances of the case and the submissions made above, particularly when the petitioner is not in a position to explain before the Court as to why his name has been inserted in this case, and also as the FIR and the statement under Section 164 of the Cr.P.C. are against him, this Court is not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected.

(Dr. Anshuman, J.)

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