

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1128 of 2025

Arising Out of PS. Case No.-173 Year-2014 Thana- ARA MUFFSIL District- Bhojpur

Mantu Rai @ Ravi Vikesh @ Mantu Kumar S/o Rajendra Rai, R/o Village-
Jamira, PS- Ara Muffasil, Distt.- Bhojpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Ras Bihari Rai S/o Chanrik Rai R/o vill - Jamira, P.S.- Ara Muffasil, Distt.- Bhojpur.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Shashi Chand Pandey, Advocate
For the Respondent/s	:	Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 27-07-2026

Heard learned counsel for the petitioner.

2. The present criminal revision petition has been filed against the order dated 04.08.2025 passed by learned Additional Session Judge-VI-cum-Special Judge, Exclusive Court, POCSO Act, Bhojpur at Ara in POCSO Case No. 73 of 2024, arising out of Ara Muffasil P.S. Case No. 173 of 2014.

3. Learned counsel for the petitioner submits that the victim of Ara Muffasil P.S. Case No. 173 of 2014 has been declared major by the learned Exclusive Special Judge in POCSO Case No. 56 of 2023 and in POCSO Case No. 11(b) of 2014 by orders dated 01.03.2025 and 26.11.2024, respectively. But the learned Special Judge did not take into consideration



these two judgments, whereby and whereunder the victim was held to be a major on the date of occurrence and passed an order which could not be sustained.

4. Perused the record.

5. From perusal of record I find that while taking note of the findings recorded by the learned Courts in POCSO Case No. 56 of 2023 and in POCSO Case No. 11(b) of 2014, the learned Exclusive Special Court of POCSO Act-cum-Additional Session Judge-VI, Bhojpur at Ara has also taken note of POCSO Case No. 11 of 2014 which also arises from the same FIR, i.e. Ara Muffasil P.S. Case No. 173 of 2014, wherein one of the co-accused Dharmendar Raj has been convicted under Section 6 of the POCSO Act. He has also noted that the allegation in the FIR is of gang rape of minor victim and the age of the victim was assessed between 16 to 18 years. In this manner the learned Exclusive Special Court rejected the prayer of the petitioner for transfer of the case to some other Court treating the victim to be major. I do not find any infirmity in the reasoning adopted by the Exclusive Special Court. If it is a case of gang rape and one of the co-accused persons have been convicted and sentenced under Section 6 of the POCSO Act, apparently one of the Courts took a view that the victim was minor at the date of occurrence,



notwithstanding the fact that in two matters arising out of same FIR, the Courts recorded their finding about majority of the victim.

6. In view of the contradictory findings recorded by different Courts, the learned Exclusive Special Court, POCSO was well within its right not to accede to the prayer of the petitioner for transfer of the case to some other Court treating the victim to be major. Therefore, finding no illegality, impropriety or irregularity in the order dated 04.08.2025 passed by learned Additional Session Judge-VI-cum-Special Judge, Exclusive Court, POCSO Act, Bhojpur at Ara in POCSO Case No. 73 of 2024, arising out of Ara Muffasil P.S. Case No. 173 of 2014, the present criminal revision petition is dismissed.

(Arun Kumar Jha, J)

Shahnawaz/-

AFR/NAFR	NAFR
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