

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78258 of 2025

Arising Out of PS. Case No.-295 Year-2025 Thana- RAJPUR District- Buxar

Sachin Kumar Son of Ramakant Ram R/o Vill. - Rajpur, P.S. - Rajpur, Buxar,
Dist. - Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chanchali Devi Wife of Mahendra Ram R/o Village - Rajpur, P.S. - Rajpur,
Buxar, Dist. - Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-03-2026 Heard Mr.Manendra Kumar Sinha, learned counsel
for the petitioner, learned counsel for the informant and
Mr.Anuj Kumar Shrivastava, learned Additional Public
Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since
31.08.2025 in connection with Rajpur P.S. Case No. 295 of
2025, F.I.R. dated 30.08.2025 registered for the offence
punishable under Sections 329(4),352,351(2),64 of BNS and
Section 4/6 of the POCSO Act.

3. The case of prosecution, in brief, is that the
informant (mother of the victim) has submitted her written
application before the S.H.O., Rajpur P.S. stating therein that on



30.08.2025 at around 06:00 A.M., her daughter, aged about 16 years, was sleeping alone in house, and she was working in her field. Meantime, her neighbor Sachin Kumar (petitioner) came and forcibly raped her daughter. When she objected him from doing so, he threatened her not to make noise other-wise he would kill her. Anyhow, her daughter informed her mother through mobile phone. On obtaining information, she came at house & saw that her daughter was crying. On asking, her daughter narrated the whole story to her.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. Further submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 30.08.2005 but the medical of the victim has been conducted on 31.08.2025 which suggests that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. The medical report of the victim is quoted hereinbelow:

MEDICAL BOARD SADAR HOSPITAL BUXAR

Examined Anshu Kumari C/o Mahendra Ram VILL-Rajpur PS-Rajpur Dist-Buxar at 01:52 PM Dt. 31-08-2025 for Kand No-295/25 Date 30-08-2025 P.S.-Rajpur brought and identified by 1.Lady Constable Pushkar Kumar (1039) 2.S.I- Madhubala, P.S.-Rajpur and Found the Following.
Hight-149 CM, Weight-40Kg.
L.M.P- Did Not Remembered by Victim.
M.I- A Till On Right Foot on Dorsum.



Urine Pregnancy Test-Negative. VDRL Test-Negative HbsAg Test-Negative
H.I.V. Test- Negative Done at Sadar Hospital Buxar Reg No.CG0045 Dt. 01-09-2025.
No External Injury were present on her body.
Axillary And Pubic Hair Were Present
On Private Part Examination No Injury Was Found. Uterus Found Normal in size.
Vaginal Swab, Blood Sample Cervical Swab, Plucked Auxiliary Hair, Combed Pubic Hair, Plucked Pubic Hair, Combed Hair From Scalp, Plucked Hair From Scalp With Cold Chain Maintained Condition Handed Over To S.I- Madhubala to Send For Forensic Science Laboratory, FSL Report Are Awaiting. Opinion-Reserved Till Availability Of FSL Report.
On Examination Of X-Ray Plate No-H0045 By Dr. Rahul Raj for Pelvis Right Elbow Right Wrist.
Complete Fusion Of Right Elbow Epiphysis
Incomplete Fusion Of Right Distal End Radius And Ulna Epiphysis.
Epiphysis Seen Over B/L ILIAC Bone.
Radiological Age Of Anshu Kumari Is Approx 17 To 18 Yrs
Dental Report Given By Dr. Manipal Total no Of Teeth 28.
Space For 3 Molar Present

Sd/-	Sd/-	Sd/-
Dr. Rahul Raj	Dr. Manipal	Dr. Anita Kumari
M.O.S.H. Buxar	M.O.S.H. Buxar	M.O.S.H. Buxar
7992417016	7709334801	9000440999

Apart from the aforesaid, the Medical Board also found the age of the victim is 17-18 years. Learned counsel for the petitioner further submits that the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 31.08.2025.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently



opposed the prayer for bail of the petitioner and submits that the victim has supported the case of the prosecution in her statement under Section 183 of BNSS, 2023.

6. Considering the aforesaid facts and the medical evidence does not support the allegation as alleged in the FIR, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-6-cum-Special Judge, POCSO, Buxar in connection with Rajpur P.S. Case No. 295 of 2025, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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