

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90280 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- SC/ST District- Buxar

Ambika Kumar @ Akhilesh Kumar Singh @ Akhilesh Kumar S/o Lal Bahadur Singh R/o Village- Chakrhansi Pandepatti, P.S- Buxar (Mufassil), Dist- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. XX D/o Munna Ram R/o Village- Chakrhansi, P.S- Buxar (Mufassil), Dist- Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr.Kamal Deo Sharma, Adv.
For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-02-2026 Heard the parties.

2. The petitioner seeks bail in connection with SC/ST P.S. Case No. 08 of 2025 registered for the offence under Sections 126(2), 115(2), 70(1), 353, 351(2) and 3(5) of the BNS, sections 4, 6 of the POCSO Act and 3(i),(r),(s), (wi)/3(2)(va) of the SC/ST Act.

3. The petitioner is named in the F.I.R. and is in custody since 15.09.2025.

4. As per FIR, the informant alleged that petitioner who was in taking terms with her for the last two years called her and thereafter co-accused persons including this petitioner committed rape upon her. She was also abused in



the name of her caste.

5. Learned counsel appearing on behalf of the petitioner submitted that the informant being major was in relations with this petitioner for long two years and when for any of the social reason the marriage of the petitioner was not approved by his parents, the present false implication of rape was raised against petitioner/ his family members. It is submitted that as per medical board finding which is available in para no. 79 and 201 of the case diary, it can be gathered safely that the age of victim was somewhere between 18-19 years at the time of occurrence. It is submitted that FIR was lodged with delay of 20 days, without any just explanation.

6. Arguing further, it is submitted that victim was examined within 48 hours of the occurrence i.e., on 21.02.2025, for the occurrence dated 19.02.2025, where she specifically alleged that she was gang raped by 7 accused persons including this petitioner but none finding of any bodily injuries including any injury in or around private part makes the allegation doubtful. It is also submitted that the allegation *qua* abuse in caste name also appears very general and



omnibus in nature just to aggravate the allegation.

7. Arguing further it is submitted by learned counsel for the petitioner that corporeal relationship in background of promise of marriage cannot be termed as rape and in support of submission the reliance was made on legal report of Hon'ble Supreme Court as available through ***Pramod Suryabhan Pawar vs. State of Maharashtra and Anr.*** reported in ***(2019) 9 SCC 608.***

8. Explaining criminal antecedent, learned counsel submitted that petitioner found involved in one more criminal case where upon trial he was acquitted and as such petitioner can be said man of clean antecedent for the present and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

9. Learned APP while opposing the prayer of bail submitted that the allegation of gang rape is available against this petitioner.

10. In view of aforesaid factual submission and by taking note of fact as the FIR, in issue, was lodged after 20



days of the occurrence, where admittedly the victim/
informant was in relationship for last two years prior to the
occurrence, coupled with fact as investigation of this case
already completed where petitioner remains in custody since
15.09.2025, accordingly petitioner above named, is directed
to be released on bail in connection with SC/ST P.S. Case No.
08 of 2025 on furnishing bail bond of Rs. 10,000/- (Rupees
Ten Thousand) with two sureties of the like amount each to
the satisfaction of learned Spl. Judge, POCSO, Buxar
/concerned court, subject to the conditions as mentioned
under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J.)

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