

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B.A. No. 2437 of 2026

Kundan Kumar, aged about 21 years, s/o Sanjay Thakur resident of
Village-Pipradih, P.O. & P.S. Barkagaon, District-Hazaribagh,
Jharkhand.

... .. Petitioner

Versus

The State of Jharkhand

... .. Opp. Party

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner : Mr. Ankur Anand, Advocate
For the Opp. Party : Mr. Vijoy Kr. Sinha, A.P.P.

02/Dated: 25th March, 2026

1. The instant application has been filed under Sections 483 and 484 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of bail in connection with Barkagaon P.S. Case No. 110 of 2025 corresponding to POCSO Case no. 64 of 2025 registered under Section 69 of BNS and Section 4 of POCSO Act and vide order dated 05.07.2025, charges have been framed against the petitioner under Section 65(1) of the BNS and under Section 4(2) of POCSO Act, pending in the court of learned Special Judge, POCSO Act, Hazaribag.
2. It is a case as per the prosecution story it is which evident that the victim, the minor aged about 16 years, has been subjected to repeated rape for the last two years on the false promise of marriage.
3. It has been contended on behalf of the petitioner that the petitioner is innocent and has falsely been implicated in this case.
4. It has been contended on behalf of the petitioner that when the pressure for solemnization of marriage said to be put upon the petitioner and on refusal of the same, the present case has been filed.
5. It has also been contended on behalf of the petitioner that there is no ingredient of the offence said to be committed under Section 4 of the POCSO Act.

6. The ground of custody has also been taken since the petitioner is languishing in judicial custody since 08.05.2025.
7. Learned counsel for the petitioner, therefore, on the aforesaid grounds, has prayed that the present petitioner may be released on bail.
8. While, on the other hand, learned Additional Public Prosecutor appearing for the opposite party-State has seriously opposed the prayer for grant of bail on the basis of the allegation levelled against the petitioner which has been supported by the victim in the statement recorded under Section 183 of BNSS.
9. It has also been submitted that the trial is going on and as such, at this juncture, if the petitioner will be released on bail, there is every likelihood of tampering with the evidence.
10. This Court has heard the learned counsel for the parties.
11. This Court has considered the nature of allegation as alleged in the FIR having been supported by the prosecution of committing repeated rape upon the victim on the promise of solemnization of marriage as per the case of the petitioner as also considered that the question of establishing physical relationship with the minor on any pretext is not acceptable under the POCSO Act.
12. This Court, in view of the above as also considering the fact that the trial is going on and out of 11 witnesses, 03 witnesses have already been examined, as such, is of the view that the present application is not fit to be allowed.
13. Accordingly, the instant bail application stands dismissed.

(Sujit Narayan Prasad, J.)

25th March, 2026
Saurabh/-