

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. A (D.B.) No. 563 of 2025

Mithun Saha, aged about 30 years, son of Binod Saha @ Gujur Saha, resident of Village- Devpur, P.O. Devpur, P.S. Hiranpur, District- Pakur (Jharkhand). ... Appellant

Versus

The State of Jharkhand through mother of the victim

... Respondent

**CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA**

For the Appellant : Mr. Rajeeva Sharma, Sr. Advocate
For the Respondent : Mr. Shailesh Kr. Sinha, A.P.P.
: Mr. Sheo Narayan Singh, Advocate.

03/Dated: 16th September, 2025

I.A. No.11036 of 2025

1. Heard Mr. Rajeeva Sharma, learned senior counsel for the appellant and Mr. Shailesh Kumar Sinha, Additional Public Prosecutor appearing for the State.
2. This application has been preferred on behalf of appellant for grant of bail to him during pendency of this appeal.
3. The appellant has been convicted for the offences under Section 376 of the Indian Penal Code and Section 4 of the POCSO Act and has been sentenced to undergo imprisonment for life along with fine of Rs.1,00,000,-/.
4. It has been alleged that the appellant had entered into the house of the victim when she was alone and had subjected her to rape.
5. Submission has been advanced by the learned senior counsel for the appellant that an unbelievable story has been created by the victim. It has been submitted that there has been an inordinate delay of two days in lodging the first information report. No plausible explanation has been submitted with respect to such delay. Learned senior counsel adds that the appellant is in custody since 16.03.2023 and the medical

report also does not conclusively prove that the victim was subjected to sexual abuse.

6. Learned Additional Public Prosecutor has opposed the prayer for bail of the appellant.
7. The evidence of victim who has been examined as P.W.5 categorically reveals about the appellant entering into her house and subjecting her to rape. The medical report has also opined that the sexual assault could not be ruled out.
8. On consideration of the entire facets of the case, we are not inclined to admit the appellant on bail. His prayer for bail is hereby rejected at this stage.
9. I.A. 11036 of 2025 stands rejected.

(Rongon Mukhopadhyay, J.)

(Pradeep Kumar Srivastava, J.)

Amar/-