

IN THE HIGHCOURT OF JHARKHAND AT RANCHI
Criminal Appeal (DB) No. 1193 of 2025

Jairam Birua ... **Appellant**

Versus

The State of Jharkhand ... **Respondent**

CORAM: HON'BLE MR. JUSTICE RONGONMUKHOPADHYAY
HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellant : Mr. Arun Kr. Pandey, Advocate
For the State : Mr. S.K. Srivastava, A.P.P.

Order No.06/ Dated: 25th November, 2025

I.A. No. 10517 of 2025

Heard Mr. Arun Kr. Pandey, learned counsel appearing for the appellant and learned A.P.P.

2. This interlocutory application has been preferred by the appellant for grant of bail to him during the pendency of this appeal.

3. The appellant has been convicted for the offences punishable u/s- 6 read with 05(m) of the POCSO Act and has been sentenced to undergo R.I. for 20 years.

4. It has been alleged that the appellant who is the uncle of the victim had committed rape upon the victim.

5. Submission has been advanced by the learned counsel for the appellant that there is a marked difference in the 164 Cr.P.C. statement of the victim and her evidence as P.W.-6. It has further been submitted that the medical report does not support the factum of rape.

6. Learned A.P.P. has opposed the prayer for bail of the appellant.

7. It appears from the evidence of P.W.-6 that the appellant had subjected her to rape and as per the medical report, the age of the victim has been assessed to be 11 years and an opinion has been made with respect to the victim being sexually active which contradicts the earlier part of the medical report.

8. Regard being had to the above, we are not inclined to admit the

appellant on bail. His prayer for bail is hereby rejected.

9. I.A. No. 10517 of 2025 stands rejected.

(Rongon Mukhopadhyay, J.)

(Gautam Kumar Choudhary, J.)

Dated: 25th November, 2025

Vedanti/-