

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J.) No. 758 of 2025

Bittu Rai @ Bittu Kumar Rai @ Bittu Kumar Ray
..... Appellant

Versus

1.The State of Jharkhand
2.XXXX
..... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant : Mr. Anil Kumar, Advocate
For the State : Mr. Satish Kr. Keshri, A.P.P.

04/26.11.2025 This Criminal Appeal has been filed on behalf of the appellant under Section 101(5) of Juvenile Justice (Care and Protection of Children) Act, 2015, challenging the order dated 04.08.2025, passed in M.C.A. No. 1534 of 2025, by the learned Addl. Session Judge-I-cum-Special Judge (Children Court), Giridih, by which prayer for regular bail made on behalf of the appellant, Bittu Rai @ Bittu Kumar Rai @ Bittu Kumar Ray has been rejected in connection with Children Case No.13 of 2025, arising out of Giridih (M) P.S. Case No. 132 of 2025, instituted for the offences under Sections 64(1), 3(5) of B.N.S.

2. The prosecution case, in short, is that on 10.05.2025, at about 08.30 P.M. in the night, while the Informant was going to Government Toilet situated at some distance from her house and in the meantime, three persons came on a motorcycle and dragged her towards the forest. The informant has identified one of the accused as Bittu Raj (appellant) out of three alleged persons. It is further alleged that the aforesaid child in conflict with law had forcibly brought her

down on the ground and committed rape upon her after tearing her clothes. It is also alleged that rest two persons were seeing the incidents from some distance. Thereafter, on raising alarm, her brother and other family members reached there but by the time the accused persons fled away taking advantage of darkness in the night. Further the accused persons left their Splendor Plus motorcycle bearing Registration No. JH-10X-8939 at the place of occurrence.

3. Heard Mr. Anil Kumar, learned counsel for the appellant and Mr. Satish Kr. Keshri, learned A.P.P. appearing for the State.

4. It is submitted that the appellant is innocent and has not committed any offence and has been falsely implicated in this case as an after thought one. It is submitted that the F.I.R. was lodged after a delay of three days. It is submitted that the appellant has avoided the call made by the Informant on 30.04.2025 and aggrieved by that the present case has been instituted by the Informant.

It is submitted that in the light of Section 18(3) of the Juvenile Justice Act, 2015, the learned Juvenile Justice Board, Giridih has sent this matter to the Children's court for trial.

It is submitted that even in the charge sheet itself, it has been recorded that the doctor categorically stated that it is difficult to say whether rape has occurred or not.

It is submitted that the Chargesheet also indicates that there is no information obtained regarding other two accused persons and there is no probability to trace them and hence, the entire story is fabricated and false.

It is submitted that the allegation against the petitioner/juvenile is false and exaggerated as the Informant herself is 20 years and the appellant is about 17 years and 5 months and the alleged incident of rape has not been supported in the medical report and also on the ground that the allegation have not been supported by the independent witnesses.

It is submitted that the appellant has no criminal antecedent and the father of the appellant is willing to execute an undertaking to the effect that he will take full care of his juvenile son and will never allow him to go in association with any known criminals or undesirable elements.

It is submitted that the appellant, who is a juvenile, has been in custody since 19.06.2025 and hence, the appellant may be enlarged on bail.

5. On the other hand, learned A.P.P. has opposed the prayer for bail. It is submitted that the appellant and two others dragged the victim and the appellant tore the clothes of the Informant and had committed rape upon her forcibly and fled away. It is submitted that the victim girl has fully supported the case of the committing rape upon her by the appellant in her statement recorded under Section 183 of B.N.S.S. and also the witnesses, namely Murli Singh

and Dhiraj Kr. Singh, whose statements have been recorded in Paragraph 8 and 9 of the Case Diary, have fully supported the case of the prosecution against the appellant and hence, prayer for bail made on behalf of the appellant may be rejected.

6. Perused the Records and the Case Diary and considered the submission of both the sides.

7. It appears that there is direct allegation against the appellant for committing rape upon the victim girl.

8. It appears that the victim girl during her statement recorded under Section 183 Cr.P.C. has fully supported the case against the appellant for committing rape upon her.

9. It appears that the victim girl during her subsequent statement at Paragraph 2, and the other witnesses, namely Murli Singh and Dhiraj Kr. Singh, in their statements recorded in Paragraph 8 and 9 of the Case Diary, have fully supported the case against the appellant.

10. It appears from Paragraph 10 of the Case Diary that motorcycle used by the appellant and other accused persons in the offence had been taken hold of by the family members of the Informant and this motorcycle has been seized by preparing Seizure list properly in front of two witnesses.

11. Considering the above facts, this Court is not inclined to grant bail to the appellant and hence, prayer for bail of the appellant is rejected.

12. However, the learned Court below is directed to conclude the trial as expeditiously as possible, preferably within a period of Six (06) months.

13. Thus, this Criminal Appeal (S.J.) No. 758 of 2025 is, hereby dismissed.

(Sanjay Prasad, J.)

s.m.
Dated 26.11.2025