

IN THE HIGH COURT OF JHARKHAND AT RANCHI**Cr. Appeal (S.J) No.27 of 2025**

Mithun Soren aged about 16 years son of Sokha Soren through his Natural Guardian Sokha Soren Son of Bhaiya Soren, Resident of Village-Golgo, P.O-Purri, P.S-Bengabad, District-Giridih.

..... Appellant

Versus

The State of Jharkhand Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant : Mr. Shree Nivas Roy, Advocate
For the State : Mr. Gautam Rakesh, Advocate

ORAL ORER IN COURT

05/Dated: 15th September, 2025

This Criminal Appeal has been filed on behalf of the appellant challenging the order dated 01.10.2024 passed in M.C.A No.1572 of 2024, arising out of Children Case No.11 of 2024 (corresponding to Bengabad P.S Case No.264 of 2023) by Sri Yashwant Prakash, learned Special Judge, POCSO Act, Giridih, instituted under Sections 376DA/34 of the IPC and Section 4/6/8 of POCSO Act by which the prayer for bail of the appellant has been rejected.

2. Heard Mr. Shree Nivas Roy, learned counsel for the appellant and learned APP for the State.

3. As per F.I.R, the appellant-Mithun Soren along with Hira Lal Soren, Mania Soren and Saheb Ram Soren and Polush Tudu caught hold of the Victim girl and took her near filed and tied her mouth by Sari and all of them committed gang rape upon the Victim one by one.

4. Learned counsel appearing on behalf of the appellant submitted that the appellant is innocent and has been falsely implicated in this case. It is submitted that the appellant has not committed any offence. It is submitted that the appellant and his

brother Hira Lal Soren have been made accused and it is not possible that both the brothers will commit offence of rape. It is submitted that trial is going on and some of the prosecution witnesses have not supported the prosecution case. It is submitted that there is contradiction in the F.I.R and the statement of the Victim girl recorded under section 164 Cr.P.C. It is submitted that the FIR has been lodged after delay of three days. It is submitted that the doctor had not found injury on the person of the Victim girl. It is submitted that the gravity of offence is not to be seen in the case of juvenile and hence benevolent provisions of Section 12 of the Juvenile Justice Act may be considered. It is submitted that the appellant is in custody since 14.01.2024 and hence he may be enlarged on bail.

5. On the other hand, learned APP has opposed the prayer for bail. It is submitted that there is direct allegation against the appellant also for committing gang rape upon the Victim girl. It is submitted that the Victim girl is a minor who was aged around 14 years and two month on the date of occurrence. It is submitted that several witnesses have supported the prosecution case in the case diary and hence the prayer for bail of the appellant may be rejected.

6. It appears from the F.I.R that there is direct allegation against the appellant for committing rape upon her and the Victim girl has been subjected to gang rape by five persons including the appellant in a very horrible manner.

7. It appears that the statement of the Victim girl was recorded under section 164 Cr.P.C and she has supported her case and even the statement of the Victim girl was recorded by the Child Welfare Committee, Giridih in which she has fully supported the case of committing gang rape upon her by the five accused persons including the appellant.

8. It appears that the trial has begun and statement of the Victim has also been taken and she has been examined and cross-examined in detail by both the sides. However, this Court is not referring the evidence of the Victim girl as it will prejudice the trial.

9. Considering the fact that there is direct allegation against the appellant for committing the gang rape upon the Victim girl, this Court is not inclined to enlarge the petitioner on bail.

10. Accordingly, the prayer for bail of the appellant-Mithun Soren is, hereby, rejected.

11. Thus, Cr. Appeal (S.J) No.27 of 2025 is, hereby, dismissed.

12. However, the learned Trial Court is directed to expedite the trial as early as possible.

(Sanjay Prasad, J.)

Dated:15.09.2025
Saket/-