

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46477 of 2016

Arising Out of PS.Case No. -99 Year- 2016 Thana -PANDAUL District- MADHUBANI

Sudhir Choupal, S/o Reet Lal Choupal

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.
Mr. L. K. Sharma, Advocate.

For the Opposite Party/s : Mr. Sri Madan Kumar

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 24-10-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under Section-
376(i) of the Indian Penal Code and Section-5(M) of the POSCO
Act.

There is specific allegation of rape against the
petitioner on a minor girl aged about 11-12 years, who
subsequently, supported the allegation in her statement, recorded
u/S 164 of the Cr.P.C. and, apart from this, the medical report of
the victim also corroborates the allegation. However, learned
counsel for the petitioner submits that the statement of victim was
recorded u/S 164 of the Cr.P.C. after one and a half months of the
occurrence and, therefore, there was every possibility of tutoring
the victim. It is further submitted that the victim stated in her

statement recorded u/S 164 of the Cr.P.C. that after the occurrence, she was brought by one Anju Kumari but the aforesaid Anju Kumari has not supported the prosecution case.

Although learned counsel for the petitioner tried to convince me by placing aforesaid submission but I am not, at all convinced with the aforesaid submission. Taking note of the allegation, levelled against the petitioner as well as materials, available on the record, prayer for bail of the petitioner in connection with Pandoul P.S. Case No. 99 of 2016 stands rejected.

A.K.V./-

(Hemant Kumar Srivastava, J)

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