

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11307 of 2019

Arising Out of PS. Case No.-34 Year-2018 Thana- RAIYAM District- Darbhanga

MANTU CHAUPAL @ MAN CHAUPAL, Son of Kushe Chaupal. Resident
of Village- Pachauri, P.S.- Raiyam, District- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Iqbal Asif Niazi
For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 06-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 376/34 of the Indian Penal
Code and Section 3/4 of the POCSO Act.

Though allegation in the F.I.R. is that the petitioner
first ravished the informant in the month of February, 2018 on
the point of weapon of cutting. Thereafter, the petitioner was in
physical relation with her on different occasions. The informant
got pregnant. Thereafter, her parents came to know about the
occurrence and then the victim disclosed the name of the
petitioner.

Submission is that the doctor has found the age of
the victim in between 18-19 years and she was pregnant at the



time of examination. The act of the informant would reveal that she was a consenting party and the consent was not obtained by any fraud. Though the allegation is of consent by force but she did not make any complaint to anyone, after force was used for the first time and at any subsequent time. Petitioner is in custody since 27.09.2018.

Considering the entire facts, let the petitioner, above named, be released on bail *after completion of one year of custody, if the trial is not concluded*, on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Raiyam Police Station Case No.34 of 2018, subject to condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below and the petitioner shall fully co-operate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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