

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36356 of 2020

Arising Out of PS. Case No.-04 Year-2018 Thana- MAHILA P.S. District- Muzaffarpur

CHANDESHWAR SAH S/O BHAIRO SAH R/O VILLAGE -
BAGHAKHAL, P.S. GAYGHAT, DISTRICT - MUZAFFARPUR, BIHAR
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar
For the Opposite Party/s : Mr. Ashok Kumar
For the Informant : Mr. Chandra Mohan Jha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-03-2021 Heard the learned counsel for the petitioner, the

learned APP for the State Sri Ashok Kumar and Sri Chandra

Mohan Jha, learned counsel for the informant

The petitioner seeks regular bail in connection
with Mahila PS case no. 04 of 2018 instituted for the offences
punishable under Sections 376, 406, 420 of Indian Penal Code.

The allegation is regarding the petitioner having
come in contact with the prosecutrix, whereafter he had lured her and
had assured her of providing government job and on the pretext
thereof, he had sexually assaulted the prosecutrix regularly.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case and is languishing in custody since 10.08.2020. The
learned counsel for the petitioner has further submitted that the
witnesses examined during the course



of investigation have not supported the version of the prosecution.

Per contra, the learned A.P.P. for the State and the learned counsel for the informant have vehemently opposed the prayer for bail and have submitted that the prosecutrix, in her statement made under Section 164 Cr.P.C. before the learned Magistrate, has fully corroborated the alleged heinous crime committed by the petitioner and moreover, the medical report also supports the allegation levelled by the informant regarding the petitioner having sexually exploited the prosecutrix.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, this Court finds that there is ample material on record to suggest the complicity of the petitioner in the alleged crime, accordingly I do not find any merit in the present petition, hence the same stands dismissed.

(Mohit Kumar Shah, J)

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