

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 48581 of 2021

Arising Out of PS. Case No.-31 Year-2019 Thana- JALALGARH District- Purnia

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BHARAT KUMAR CHOUHAN Son of Ramdev Chouhan Resident of
Village- Sima, P.S.- Jalalgarh, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh
For the Opposite Party/s : Mr. Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-09-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Mr. Ashok Kumar Singh, the learned APP for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of bail in connection with Jalalgarh PS case no. 31 of 2019 under Sections 341, 323, 324, 376/34 of Indian Penal Code and 4 POCSO Act, inasmuch as the earlier prayer of the petitioner for grant of bail was rejected by this Court vide order dated 22.03.2021, passed in Cr. Misc.



no. 61337 of 2019.

The allegation is regarding the petitioner having raped the victim girl i.e. the daughter of the informant.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 06.07.2019 and even the charge has not yet been framed by the learned trial court, hence there is no likelihood of completion of trial in the near future, thus the petitioner be granted bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail and has submitted that taking into consideration the statement made by the victim girl under Section 164 Cr.P.C., this Court by its earlier order dated 22.03.2021 had rejected the prayer of the petitioner for grant of bail, hence there is no question of any fresh consideration.

I have heard the learned counsel for the parties and gone through the materials on record, from which it is apparent that this Court by an elaborate and a reasoned order dated 22.03.2021, had found that a *prima facie* case is definitely made out against the petitioner for the offences alleged and moreover, there is no change in circumstance from the day, the prayer of the petitioner for grant of bail was rejected earlier on 22.03.2021



till date, hence I do not find any occasion to reconsider the prayer of the petitioner for grant of bail, thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

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