

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6066 of 2021

Arising Out of PS. Case No.-40 Year-2019 Thana- MAHILA PS District- Darbhanga

SHATRUHAN CHAUPAL @ SHATRUDHAN CHAUPAL son of Videshi
Chaupal RESIDENT OF VILLAGE BHALUKA POLICE STATION
KUSHESHWAR ASTHAN, 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.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-04-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove
the defects within four weeks of resumption of normal court
proceeding. In the eventuality of non-removal of defects within
undertaken period, the office will place the matter before the
Bench.

The petitioner seeks bail in connection with Darbhanga
Mahila P.S. Case No.40 of 2019 registered for the offence
punishable under Sections 376, 323, 354, 504, 506/34 of the
Indian Penal Code and section 4/6 of the POCSO Act.

The prosecution case in brief is that two years ago, the
villager of the informant, in absence of parent of the informant,



entered into the house and on the point of knife committed rape upon her and when she started weeping, then he told that he will marry with her and if you will tell about it to anyone, then he will kill her. It is further alleged that thereafter several times, he used to commit rape and when she asked him to marry her, he told to complete the age of 18 but later refused to marry her.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case and has not committed any offence as alleged in the FIR. As per the FIR, admittedly, the informant is a major girl aged about 19 years and she indulged in sexual relation with the petitioner for the last two years but there was no complaint whatsoever at any point of time rather the present case has been lodged after such a long time. It is further submitted that informant solemnized second marriage with the petitioner without taking divorce from her husband Shankar Chaupal and consequently she was still keeping relation with her ex-husband and had talking term through mobile which was objected by the petitioner. Thereafter she openly expressed her desire not to live with the petitioner and demanded money but on refusal, lodged a complaint case against the entire family of the petitioner. The informant has also filed a maintenance case vide M.R. No.47 of 2020 in the



Family Court, Darbhanga in order to extort money from the petitioner. The petitioner is languishing in custody since 28.09.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge cum Special Judge POCSO Act, Darbhanga, in connection with Darbhanga Mahila P.S. Case No.40 of 2019.

(Anjani Kumar Sharan, J)

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