

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61337 of 2019

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-Seema, 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. N. K. Agrawal, Sr. Advocate
	:	Mr. Ram Prawesh Kumar
For the Opposite Party/s	:	Mr. Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 22-03-2021 Heard the learned counsel for the petitioner and

Sri Ashok Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection
with Jalalgarh PS case no. 31 of 2019 instituted for the offences
punishable under Sections 341, 323, 324, 376/34 of Indian Penal
Code and 4 of POCSO Act.

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

The learned Senior counsel for the petitioner
has submitted that the petitioner is innocent, has been falsely
implicated in the present case, is having a clean antecedent and
is languishing in custody since 06.07.2019. The learned Senior
counsel for the petitioner has further submitted that the FIR has



been lodged after some delay and moreover, the circumstances would show that the petitioner has been falsely implicated, on account of previous enmity.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties, taking into account the materials available on record as also those available in the case diary and having perused the statement made by the victim girl under Section 164 Cr.P.C. before the learned Magistrate, this Court finds that *prima facie*, a case is definitely made out against the petitioner for the offences alleged and he is having complicity in the heinous crime of having raped the victim girl, hence I do not find any merit in the present case, accordingly the same stands dismissed.

(Mohit Kumar Shah, J)

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