

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17712 of 2022

Arising Out of PS. Case No.-306 Year-2019 Thana- ARA NAGAR District- Bhojpur

DEEPAK CHAUDHARY SON OF EKBAL CHAUDHARY R/O VILLAGE-
SAKADDI, P.S.- KOILWAR, DISTRICT- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prem Ranjan Kumar, Advocate

For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 11-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in
connection with Ara Town P.S. Case No. 306 of
2019 for the offence registered under Sections 363
and 365 of the Indian Penal Code.

The case of the prosecution, in brief, is
that on 22.06.2019 at about 6:00 P.M. the daughter
of the informant had gone to purchase vegetables
from the market, however, when she did not return
after an hour, the informant had searched for her
in the vegetable market but she could not be
traced out. It is alleged that subsequently the



victim girl was recovered and, thereafter, she had made a statement under Section 164 Cr.P.C. before the learned Magistrate, wherein she had stated that she was forcibly taken away by the petitioner and kept in a house for one and a half month where he had also established physical relationship with her forcibly.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 01.12.2021. The learned counsel for the petitioner has further submitted that the petitioner was having an affair with the victim girl and that is why the victim girl had voluntarily eloped with the petitioner. Nonetheless, it is submitted that the period of incarceration of the petitioner may be taken into account.

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 petitioner and taking into account the materials available on record as also considering the materials available in the case diary, apart from taking into account the statement made by the victim girl under Section 164 Cr.P.C. before the learned Magistrate, this Court finds that the petitioner is *prima facie* having complicity in the alleged crime and he has been alleged to have committed heinous crime of rape with a minor girl whose age, upon medical examination, has been assessed to be in between 15-17 years, thus I do not find any merit in the present petition, thus the prayer for bail made by the petitioner is rejected.

(Mohit Kumar Shah, J)

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