

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31762 of 2023**

Arising Out of PS. Case No.-3 Year-2023 Thana- MAHILA P.S. District- Madhepura

Mithu Chaupal, Son of Tej Narayan Chaupal, Resident of Village- Toka Ward  
No-11, P.S.-Gamhariya, District-Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Pronoti Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      04-08-2023                      Heard learned counsel for the petitioner and  
learned Additional Public Prosecutor for the State.

2.                      The accused/petitioner seeks bail in connection  
with Madhepura (Mahila) P.S. Case No.3 of 2023 registered for  
the offences punishable under Sections 376(2)(f) of the Indian  
Penal Code and Sections 4 and 6 of the Protection of Children  
from Sexual Offences Act.

3.                      The accused/petitioner is named in the FIR and is  
in custody since 17.04.2023.

4.                      Allegation against the petitioner is to commit rape  
upon minor daughter of informant aged about 11 years.

5.                      It is submitted by learned counsel that petitioner  
has been falsely implicated in this case out of local dispute and  
differences. It is submitted that this fact can be gathered safely



out of statement of victim girl recorded under Section 164 of the Code of Criminal Procedure, where she completely denied penetrative sexual assault and also from rest of her statement, it cannot be gathered that petitioner carry her with sexual intent. It is also pointed out that the medical report is also not suggesting that any such occurrence took place with minor daughter of the informant, which was conducted upon very next day of the occurrence. While concluding argument, it is submitted that the petitioner is a man of clean antecedent and moreover investigation of this case is completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances, as victim girl negated allegation of penetrative sexual assault through her statement as recorded under Section 164 of the CrPC, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 17.04.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Madhepura in connection with Madhepura (Mahila) P.S. Case No.3 of 2023, subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

(i) That petitioner shall not interact with minor daughter of informant or any prosecution witnesses till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

**(Chandra Shekhar Jha, J.)**

Sanjeet/-

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