

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41310 of 2022

Arising Out of PS. Case No.-82 Year-2022 Thana- KUNDWACHAINPUR District- East
Champaran

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Mukesh Bhagat S/O Radha Mohan Bhagat @ Radhe Mohan Bhagat Resident
Of Village Barwa Khurd, P.S. Kundwa Chainpur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 14-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Kundwa Chainpur P.S. Case No. 82 of 2022 instituted for the
offence under Sections 328, 376, 506 and 34 of the Indian Penal
Code and Section 4/6 of the POCSO Act and Section 66(E) of
the I.T. Act.

Prosecution case in short is that petitioner enticed
away the informant/victim from Rajkiya Utkramit Uchcha
Vidyalaya, Samapur and took her in his house and offered
intoxicated ice-cream and on pistol point, he forcibly committed
rape upon her, took naked photo of the victim on his mobile and
get the video viral with intention to blackmail and also



threatened her of dire consequences.

It is submitted by learned counsel for the petitioner that petitioner and his family members have been falsely implicated in this present case. It is further submitted that the both parties are belonging to the same village having some dispute and annoyance due to dirty village politics. Nothing incriminating has been recovered from the petitioner. Petitioner is languishing in custody since 24.05.2022.

Learned APP appearing for the state has vehemently opposed the prayer of regular bail and submitted that the statement of the victim was recorded under Section 164 of Cr.P.C., in which she specifically stated that petitioner was in the habit of committing rape on pistol point resulting into pregnancy to which later on, the same was terminated by the petitioner after administering medicine. Petitioner threatened of dire consequences to the informant and make her obscene photos viral on social media.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial court is directed to expedite the trial and



conclude the same as early as possible.

(Sunil Kumar Panwar, J)

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