

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52085 of 2022

Arising Out of PS. Case No.-99 Year-2022 Thana- BAJPATTI District- Sitamarhi

NIRAJ CHAUDHARY @ NIRAJ KUMAR S/o Sanjay Chaudhary R/o
village- Belahiya, Ward No. 02, P.S.- Bajpatti, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-03-2023 Learned counsel for the petitioner is permitted to
remove the defects, as pointed out by the office, if any, within a
period of four weeks from today.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Section 376(D) of IPC and Section 4 of POCSO
Act.

Allegation against the petitioner and other co-accused
persons is that they committed rape upon the victim.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent. He has falsely been implicated
in the present case. Further submits that the allegation as
alleged in the FIR is false and fabricated. No such occurrence
has taken place. Further submits that the medical report of the



informant does not suggest the allegation as alleged in the FIR.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that during investigation it has come that the petitioner and other co-accused persons have committed rape upon the victim and the date of occurrence as alleged in the FIR is 12.04.2022 but the medical examination of the victim was conducted on 15.04.2022 and the statement of the victim was recorded under Section 164 Cr. P.C. in which she has categorically stated that the petitioner and other co-accused persons have committed rape upon her.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail.

Prayer is refused.

(Rajesh Kumar Verma, J)

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