

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53667 of 2023

Arising Out of PS. Case No.-12 Year-2023 Thana- MAHILA PS District- East Champaran

Chhotu Singh @ Chhotan Singh Son of Subash Singh Resident of village -
Chintamanpur Babu Tola, P.S.- Pipra, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 15.03.2023 in connection with Mahila P.S. Case No. 12 of 2023, F.I.R. dated 13.03.2023 for the offences punishable under Sections 341, 307, 376D, 34 of the Indian Penal Code and Sections 4 and 6 of the POCSO Act.

3. According to prosecution case, this petitioner along with other accused persons have committed rape upon the victim and also recorded the obscene video of her.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the victim claimed that she will identify the culprit/accused but till date no T.I.P has been conducted by the prosecution and the petitioner has falsely implicated in this case. He further submits that the allegation as



alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has committed rape upon the victim and the statement of the victim which was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her. He further submits that in paragraph no. 50 of the case diary, the victim has identified her articles which were recovered by the police from the place of occurrence and the medical report also suggest that the petitioner and other accused persons have sexually assaulted the victim.

6. Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail in connection with Mahila P.S. Case No. 12 of 2023 pending in the court of learned 7th Additional Sessions Judge cum Special Judge, POCSO Act, East Champaran at Motihari.

8. Prayer is refused.

(Rajesh Kumar Verma, J)

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