

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3401 of 2022**

Arising Out of PS. Case No.-43 Year-2020 Thana- MAHILA P.S BAGHA District- West
Champaran

XXXXXXXX Son of Dukhi Chaudhary Resident of Nuniyawa Tola, Police
Station- Bhairoganj, District- West Champaran, Under Natural Guardianship
of his uncle namely Swami Nath Chaudhary Age about 55 years s/o late Lalji
Chaudhary R/v- Nuniyawatola p.s-Bhairoganj Distt- Westchamparan.

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ravishankar Sahay, Adv.
	:	Mr. Vijay Kr Singh No. 1, Adv.
For the Respondent/s	:	Mr.Zeyaul Rahman (App 69)

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

14 18-07-2023 1. Heard learned counsel for the appellant and
learned APP for the State.

2. The present appeal has been filed against the
order dated 25.08.2022 passed by I/C Addl. District and
Sessions Judge Ist-cum-Special Judge (SC & ST), Bettiah,
West Champaran, whereby and whereunder the prayer for
regular bail on behalf of the appellant in connection with
Bagaha Mahila P.S. Case No. 43 of 2020 registered for the
offences punishable under Sections 341, 323, 337, 376, 504,
506 and 34 of Indian Penal Code, Sections 4 and 12 of
POCSO Act and under Section 3 and 4 of D.P. Act was



rejected.

3. As per prosecution case, when the minor daughter of the informant was changing her cloth after bath then the informant saw the stomach of her daughter which was over shaped. Thereafter the informant asked her daughter regarding the incident then she narrated the matter in details stating therein that seven months ago while she had gone to attend natural call in field the appellant committed rape upon her and threatened for dire consequence. The appellant again committed rape upon her on the pretext of marriage. It is further alleged that when she asked to marry her, appellant and his family members demanded Rs. 2 lakhs in dowry.

4. Learned counsel for the appellant submits that juvenile is in custody since 09.12.2020 and bears no criminal antecedent. Entire allegation against the appellant is false and fabricated. There is an in-ordinate delay of seven months in lodging the F.I.R.

5. Learned A.P.P. for the State vehemently opposes the prayer for bail of the juvenile-appellant and submits that the appellant committed serious offence and



sufficient materials are available on record against the appellant. Learned A.P.P. further submits that victim in her statement supported the prosecution case and the doctor, who examined the victim, in medical report also supported the case of prosecution and found that victim is pregnant for 31 weeks.

6. On bare perusal of provision of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, it appears that Juvenile in conflict with law shall be released on bail unless there appears reasonable grounds for believing that the release is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice.

7. Considering the facts and circumstances of the case, nature of allegation levelled against the appellant, materials available on record and the finding of the learned Court below as also the submissions advanced on behalf of the parties, this Court does not find any error in the order of the Court below. Accordingly, this appeal is **dismissed**.

8. However, the court concerned is directed to



expedite the case as early as possible preferably within six months from the date of receipt/production of copy of this order and if same is not concluded within the above stated period, the prayer for bail may be renewed.

(Alok Kumar Pandey, J)

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