

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73597 of 2022

In
CRIMINAL APPEAL (SJ) No.717 of 2022

Arising Out of PS. Case No.-76 Year-2021 Thana- RUDRAPUR District- Madhubani

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Raushan Chupal @ Raushan Kumar Son of Jhari Choupal R/O Navnagar,
P.S.- Rudrapur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Ms. Usha Kumari 1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-03-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Rudrapur

P.S. Case No. 76 of 2021 registered for the offence under

Sections 363, 366(A), 376(A,B), 504, 506 and 34 of the Indian

Penal Code (for short 'I.P.C.') and under Section 04 of the

POCSO Act.

The accused/petitioner is named in the F.I.R. and is in

custody since 10.01.2022.

The allegation against the petitioner is to kidnap the

minor daughter of the informant and also her friend with other



co-accused persons/friends for the purpose of illicit intercourse/marriage. It is further alleged that rape was also committed upon minor daughter of the informant by this petitioner.

Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated in this case for the reason that his love affairs with daughter of the informant was not accepted by informant and family members. It is submitted that victim denied completely the allegation of kidnapping and sexual assault against this petitioner, as per her statement recorded under Section 164 of the Cr.P.C. It is submitted that victim further supported the factum of love affairs with this petitioner. It is also submitted that informant is not the eye witness of the occurrence and allegation of rape is just to aggravate the allegation, merely on the basis of suspicion. It is also submitted that medical report is also negating the allegation of assault. While travelling over the argument it is submitted that age of victim was assessed as 18 years, while recording her statement under Section 164 of the Cr.P.C. by the concerned Learned Magistrate. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for



which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP for the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the fact, as victim categorically denied the allegation of kidnapping and sexual assault against this petitioner by supporting the factum of love affairs, where petitioner is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Rudrapur P.S. Case No. 76 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-Special Judge, POCSO Act, Madhubani/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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