

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1825 of 2023

Arising Out of PS. Case No.-305 Year-2022 Thana- SIKARPUR District- West Champaran

DEEP NARAYAN CHOUDHARY S/O EKBAL CHAUDHARY Resident of
Village and P.O.- Shikarpur, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 25-05-2023 Heard learned counsel for petitioner and learned
Additional Public Prosecutor.

Let the defect(s), if any, be removed within a period
of four weeks from today.

This application is filed for grant of regular bail in
connection with Shikarpur P.S. Case No. 305 of 2022 registered
under section 376 of the Indian Penal Code and Section 4/12 of
POCSO Act.

The prosecution story is short is that one Deep
Narayan Yadav enticed and took the daughter of the informant
and raped her on the pretext of marriage.

Learned counsel for the petitioner submits that this is
not a case of rape but of consensual sex by the petitioner and the
victim and allegation may be false as the petitioner did not



marry the victim.

Learned A.P.P. has vehemently opposed the prayer for bail and has submitted that the minor girl has been raped by the petitioner and thereafter various kinds of defenses have been taken.

From reading the records and the statement made under Section 164 of the Cr.P.C. by the victim girl, it appears that the victim is a minor. The victim has been raped by the petitioner. The villagers tried to intervene so that the case is not registered and they tried to fix the marriage of the petitioner with the victim which has not happened. This delay has happened because of the intervention of the village people and this cannot be ground for grant of bail to the petitioner. When the petitioner is found to have committed rape of the minor, he has to suffer the consequences. Accordingly, this application is dismissed.

The trial Court is directed to expedite the trial as early as possible.

(Sandeep Kumar, J)

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