

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.270 of 2024

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

XXXXXXXXX Son of Dukhi Chaudhary @ Rajnet Chaudhary Resident of
Bisambharpur, P.S.-Bisambharpur, Distt-West Champaran under natural
Guardianship of his Father namely Rajnet Chaudhary Age about 40 years S/o
late Lalji Chaudhary R/v- Bisambharpur, P.S.- Bhairoganj, Distt.-West
Champaran

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dhananjay Kumar, Adv.

For the Respondent/s : Mr.Bal Mukund Prasad Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 13-03-2024 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 learned 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 bail
petition No. 3841 of 2022, arising out of 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 the bail of the present appellant has already been rejected on merit by this Court Vide Cr. Appeal (SJ) 3401 of 2022 with an observation that if the trial is not concluded preferably within six months from the date of receipt/production of this order, the appellant may renew his prayer for bail. He further submits that the appellant being 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 by submitting that earlier bail prayer of the appellant has been rejected on merit vide order dated 18.07.2023 passed in Cr. Appeal (SJ) No. 3401 of 2022. He further submits that the appellant has 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. A report vide order dated 16.02.2024 has been sought by this Court and in pursuance of the said direction, the trial court vide letter no. 194 dated 23.02.2024 has sent its report in which it reveals that out of nine witnesses, eight



witnesses have already been examined.

8. Considering the facts and circumstances of the case, particularly keeping in view that earlier bail prayer of the appellant has been rejected on merit as well as report of the trial court, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

9. However, the learned trial court is directed to expedite the trial by putting the same on day to day basis as early as possible preferably within one month 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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