

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6581 of 2024

Arising Out of PS. Case No.-39 Year-2023 Thana- NADI District- West Champaran

Chandrika Mukhiya S/O Rajendra Mukhiya R/O Village Bharthapatti, P.S.-
Yogapatti (Nawalpur), District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Malti Devi, age-45 years, female, W/o Badri Chaudhari, R/o Vill. Bhartha
Patti, P.S. Nawalpur, Dist. West Champaran. At present, Villge Mujawana,
P.S. Nadi, Dist. West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.
For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

4 22-04-2024 Heard learned counsel for the petitioner and

learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Nadi

P.S. Case No. 39 of 2023 instituted for the offences under

Sections 376, 506 of the Indian Penal Code and Section 4

and 6 of the POCSO Act.

3. As per prosecution case, the accusation against

the petitioner is of forcibly committing rape upon the minor

daughter of the Informant. It is alleged that after

commission of rape, the petitioner threatened the victim girl

that if she discloses it to any one, she would be killed.

However, after her mother noticed the physical changes in



her, she disclosed to her mother about the sexual assault.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He submits that the F.I.R. has been lodged after an inordinate delay of 5-6 months which falsifies the prosecution case. He further submits that the medical evidence does not corroborate the allegation of rape committed by the petitioner. No independent witness has supported the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 26.11.2023 without any rhyme or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the petitioner is sole named accused in the F.I.R. and there is direct allegation against him of forcibly committing rape upon the minor daughter of the Informant due to which she became pregnant. He has further stated that the victim in her statement made under Section 164 Cr.P.C. has fully corroborated the prosecution



case. In the medical report, the Doctor has also opined that the victim is pregnant. From the age report dated 27.11.2023, the age of the victim girl has been determined in between 15-17 years. The charge-sheet has also been filed against the petitioner under Sections 376/506 of the I.P.C. and Section 4/6 of the POCSO Act. The offence alleged against the petitioner is serious in nature and, thus, he does not deserve bail.

6. Considering the entire facts and circumstances of the case as also taking into account the statement made of the victim girl made under Section 164 Cr.P.C. as well as the age report and the medical report and there being direct allegation of rape against the petitioner, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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