

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47003 of 2024

Arising Out of PS. Case No.-194 Year-2024 Thana- DARBHANGA SADAR District-
Darbhanga

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Mukesh Chaupal Son of Rambujhawan Chaupal @ Ram Bhujan Chaupal, R/o
village - Kharua, P.S.- Sadar, District - Darbhanga.

... .. Petitioner

Versus

1. The State of Bihar.
2. Punam Devi Wife of Surendra Chaupal, R/o village - Kharua, P.S.- Sadar,
District - Darbhanga.

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ansul Kumar, Advocate

For the Opposite Party : Mr. Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2024 Heard Mr. Ansul Kumar, the learned counsel for the

petitioner, the learned counsel appearing on behalf of the
informant and Mr. Anuj Kumar Shrivastava, the learned
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
14.04.2024, in connection with Darbhanga Sadar P.S. Case No.
194 of 2024, FIR dated 13.04.2024, registered for the offences
punishable under Sections 341, 448, 376, 506, 323 and 504 read
with Section 34 of the Indian Penal Code and under Section 4 of
the POCSO Act.

3. According to the prosecution case, the petitioner
committed rape upon the minor daughter of the informant.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been implicated



in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the medical report of the victim does not support the allegation levelled in the FIR.

5. The learned Additional Public Prosecutor for the State on the other hand on the basis of materials available on record and case diary has vehemently opposed the prayer for bail of the petitioner and submits that in the statement of the victim recorded under Section 164 of the Cr.P.C., which recorded in the case diary, she has firmly stated that the petitioner has committed wrong with her. Apart from that, it appears from the medical report that the age of the victim was found to be about 15 to 16 years.

6. Considering the aforesaid facts and circumstances and the nature of allegation, I am **not** inclined to enlarge the petitioner on bail in connection with Darbhanga Sadar P.S. Case No. 194 of 2024, pending in the Court of learned Exclusive Special Judge (POCSO Act), Darbhanga.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Shahnawaz/-

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