

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.48527 of 2024

Arising Out of PS. Case No.-155 Year-2023 Thana- BHORE District- Gopalganj

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1. Shailesh Kumar Chauhan @ Bhola Chauhan @ Shailesh Son Of Devnarayan Prasad @ Devnarayan Chauhan R/O- Village- Bankatamal, Ps- Bhore, District- Gopalganj
 2. Amod Kumar Chauhan @ Amod Kumar @ Amod Son Of Devnarayan Prasad @ Devnarayan Chauhan R/O- Village- Bankatamal, Ps- Bhore, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kushmawati Devi Wife Of Chhotelal Chauhan R/O- Village- Bankatamal, P.S.- Bhore, Distt.- Gopalganj, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-08-2024 Heard Mr. Indrajeet Bhushan, learned counsel for the petitioners and Mr. Ganesh Prasad Singh, learned Additional Public Prosecutor for the State.

2. Petitioners seeks bail who are in custody since 18.03.2024 in connection with Bhore P.S. Case No. 155 of 2023, F.I.R. dated 13.04.2023 for the offences punishable under Sections 363, 366(A)/34 of the Indian Penal Code and later on Section 376-D of the Indian Penal Code as well as Section 4 and 6 of the POCSO Act were added.

3. According to prosecution case, on the pretext of marriage the minor daughter of the informant has been enticed away by these petitioners along with other accused persons.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. And due to ulterior motive, the petitioners have implicated in the false case.

5. The learned Additional Public Prosecutor on the basis of material available on record as well as case diary has vehemently opposed the prayer for bail of the petitioners and submits that the victim was recovered on 17.04.2023 and her statement was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the petitioners have committed rape upon her which is also supported by the medical report and apart from that the age of victim was 16-17 years.

6. Considering the aforesaid facts and circumstances of the case, I am not inclined to enlarge the petitioners on bail in connection with Bhore P.S. Case No. 155 of 2023 pending in the court of learned VI Additional Sessions Judge cum Special Judge POCSO, Gopalganj.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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