

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52936 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- RUDRAPUR District- Madhubani

Fulesh Chaupal S/o Raj Kumar Chaupal @ Raj Kumar Khatve R/o vill -
Tajpur, P.s. - Jhanjharpur, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 28-10-2024 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Rudrapur P.S. Case No. 08 of 2024 instituted for the offence
under Sections 302, 376 & 120B of the Indian Penal Code.

3. Prosecution case as emerges from the FIR is that on
22-01-2024, all the FIR named accused persons took away the
daughter of the informant, thereafter committed rape upon her,
whereafter, they have killed her by stabbing a sharp edged
weapon on her temporal region and threw her dead body on the
bank of Alpura Labki Pond.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 04-02-2024. Petitioner is a



man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case that too on the basis of suspicion. Learned counsel submits that from the FIR itself, it is evident that deceased was married girl and co-accused, Md. Firoz Sah is her husband. There is contradiction in the statement of the informant at the time of lodging FIR and during course of investigation. It is submitted that there is no injury on the private parts of the deceased, hence allegation of rape is absolutely concocted. It is alleged that petitioner was in love affair with the deceased. Learned counsel for the petitioner lastly submits that police after investigation has already submitted charge sheet in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. By referring to paragraph Nos. 04, 06, 87 & 88 of the case diary, it is submitted that prosecution witnesses have supported the prosecution case. It is next submitted that cause of death has been opined to be due to hemorrhage from the head injury by sharp pointed hard object.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, charge sheet



being submitted and taking into account the fact that there is no cogent material against the petitioner even in the case diary, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Rudrapur P.S. Case No. 08 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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