

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8647 of 2025

Arising Out of PS. Case No.-28 Year-2024 Thana- BHAIRAVSHTHAN District- Madhubani

Rakesh Chaupal S/o Nagendra Chaupal R/o Village- Chhit Tol, Lohna, P.S.-
Bhairabsthan, District- Madhubani Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Jha, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-03-2025 Heard Mr. Gopal Jha, learned counsel for the

petitioner and Mr. Raj Ballabh Singh, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Bhairabsthan P.S. Case No. 28 of 2024, F.I.R. dated 30.03.2024 for the offences punishable under Sections 241, 376, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, this petitioner, along with two other accused persons who caught the victim's hand, has committed rape upon the victim and theantened to kill her if she lodged any complaint against them.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the occurrence has taken place on 27.03.2024 but the present F.I.R has been instituted on 30.03.2024 i.e. after delay of about 4 days without giving any explanation of the said delay. He further



submits that the medical examination of the victim was conducted on 31.03.2024 and nothing has been found in the medical report.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that statement of the victim was recorded under Section 164 of the Cr.P.C. / Section 183 of the Bhartiya Nagarik Suraksha Sanhita and Section 161 of the Cr.P.C. / Section 180 of the Bhartiya Nagarik Suraksha Sanhita in which the victim has supported the case of the prosecution and apart from that the date of birth of the victim as mentioned in her Aadhar Card is 01.01.2005 which suggest that at the time of occurrence the victim was minor.

6. Considering the aforesaid facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Bhairabsthan P.S. Case No. 28 of 2024 pending in the court of Chief Judicial Magistrate, Madhubani.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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