

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23102 of 2025

Arising Out of PS. Case No.-142 Year-2024 Thana- GOPALPUR District- West Champaran

Mukesh Ram, aged about 25 years (Male), S/O Late Yogendra Ram @ Late Jogendra Ram, Resident of Village- Sundargawa, P.S.- Gopalpur, Dist.- West Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. Sukumari Devi, (Female), W/O Bhagrasan Sah, Resident of Village- Sundargawa, P.S.- Gopalpur, Dist.- West Champaran.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Gyan Prakash, Advocate
For the State	:	Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 22-07-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Gopalpur P.S. Case No. 142 of 2024 dated 12.10.2024 registered for the offences punishable under Sections 64, 126(2), 115(2), 352 read with Section 3(5) of the B.N.S., 2023 and Sections 4 and 6 of the POCSO Act.

3. As per the prosecution case, on 11.10.2024 at about 6.00 P.M., when the minor daughter of the informant went for call of nature in the sugarcane field, Mukesh Ram (petitioner), pulled her inside the said field and tried to commit rape on her and on her cry, neighbouring people assembled there for her



rescue but Mukesh Ram (petitioner) fled away from there. When the informant went to the house of Mukesh Ram (petitioner), the co-accused Rakesh Ram, Jokhan Ram and the mother of the petitioner, abused and assaulted the informant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the informant is not an eye witness to the alleged offence. It is further submitted that from perusal of the F.I.R., it is evident that the informant first of all tried to settle the matter with the family of the petitioner which falsifies the allegation levelled against the petitioner. It is further submitted that the alleged occurrence took place on 11.10.2024 at about 6.00 P.M., but the F.I.R. has been lodged on 12.10.2024 at about 3.00 P.M., and for the delay, no proper explanation has been given by the prosecution. The victim was examined by the doctor and the doctor has opined, 'there is no recent sign of sexual assault'. It is further submitted that in the F.I.R., the informant has mentioned the age of her daughter as twelve years but during investigation, the Investigating Officer has found the age of the victim as 01.01.2009 in the High School Certificate, hence, the age of the victim is more than sixteen years. It is further submitted that the matter has already been compromised



between the parties. It is also relevant to mention here that the victim girl is residing in her in-laws house and she is happy with her married life and she has two issues. Learned counsel for the petitioner by filing a supplementary affidavit has submitted that the victim (P.W. 2) in her examination-in-chief and in cross-examination has deposed that she was not sexually assaulted by the petitioner, annexed as Annexure-P-IIA to the supplementary affidavit filed by the petitioner. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 13.10.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO-cum-A.D.J.-VI, West Champaran, Bettiah in connection with Gopalpur P.S. Case No. 142 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court



below on each and every date, failing which
on two consecutive dates without reasonable
cause, the bail bonds of the petitioner are
liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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