

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59033 of 2025

Arising Out of PS. Case No.-56 Year-2025 Thana- ALINAGAR District- Darbhanga

Kaushal Chaupal S/o Late Bundi Chaupal R/o vill - Goswa Mohiuddipur,
P.S.- Alinagar, Distt.- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manju Devi W/o Ashok Mukhiya R/o vill - Goswa, P.S.- Alinagar, Distt.- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhumala Kumari

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 02-12-2025 Heard the parties.

2. The petitioner seeks bail in connection with Alinagar P.S. Case No. 56 of 2025 registered for the offence under Section 64, 65(2) of BNS and Section 4 of POCSO Act.

3. The petitioner is named in the F.I.R. and is in custody since 15.03.2025.

4. The allegation against the petitioner is to commit penetrative sexual assault upon minor daughter of informant aged about 9 months.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner implicated falsely in this



case out of neighborhood dispute and differences. It is submitted that the minor child of informant received injuries in and around her private part due to fall on earth, accidentally and taking advantage of said accident the petitioner was implicated with this case falsely. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by Ms. Smiti Bharti learned counsel for the informant while opposing the prayer of bail submitted that it is a brutal rape committed upon 9 months old female child by petitioner who is well acquainted with family of the victim. It is submitted that medical report is also supporting the occurrence as profuse bleeding from private part of the victim was noticed. It is submitted that condition of victim was detirioted to the extent that she was reffered to IGIMS and AIIMS, Patna. The occurrence also supported by grandmother of the victim through her



statement under Section 183 of BNSS as how she noticed the injury and the condition of the victim, as she saw victim immediately after the occurrence produced by this petitioner only. It is pointed out that due to age and medical condition of the victim her statement under Section 183 of BNSS could not recorded.

7. In view of aforesaid factual submission and by taking note of medical report of victim suggesting that penetrative sexual assault was committed upon her who at the time of occurrence was just 9 months old, accordingly, the prayer of bail of petitioner stands **rejected** for the present.

8. Learned trial court is directed to conclude the trial of the petitioner within provisioned timeline as available under Section 35(2) of POCSO Act.

Sudha/-

(Chandra Shekhar Jha, J)

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