

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70564 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- ALINAGAR District- Darbhanga

Ghuran Mukhiya @ Ghurab Mukhiya S/O Late Anup Mukhiya Resident of
Village- Shyampur, Police Station- Alinagar and District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ms. X W/O Ramchandra Yadav R/O Village- Shyampur, P.S- Alingar,
Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary

For the Opposite Party/s : Mr. Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 18-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 376 of the Indian Penal Code and Section 4 of the POCSO Act.

3. The case of the prosecution is that when the minor daughter of the informant has gone to ease herself in January, 2023, the petitioner committed rape with her regarding this occurrence there was a panchayti and it was resolved that the petitioner will deposit five lakhs rupees otherwise he will be ousted from the village. Out of which 2.5 lakhs will be given to the mother of the informant. When the mother of the informant



went before the panches they told that the cash is deposited with one Jawahar Yadav when she went to demand cash from Jawahar Yadav he made this or that pretext, she was not given a single penny.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Learned counsel for the petitioner has submitted that the occurrence is of January, 2023 and the FIR was lodged on 08.04.2024 there is delay of one year and four months and there is no plausible explanation of the delay. During course of investigation, victim has given her statement recorded under Section 164 of the Cr.P.C. wherein she has stated that Musa/ Boka entered in her house and caught her breast and at that time her mother was preparing tea. She has further stated that this Musa is Boka. She was not being assaulted by Musa. When her mother came to rescue then Musa abused her and fled away. From perusal of the FIR, it is clear that the allegation of committing rape is against the petitioner but from perusal of the statement of the victim she has not stated any commission of rape with her by this petitioner rather she has named one Musa @ Boka and the allegation against Musa is that he caught her breast. She has contradicted the version of



prosecution as stated in FIR. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 15.05.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Alinagar P.S. Case No. 29 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (POCSO Act), Darbhanga.

(Ashok Kumar Pandey, J)

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