

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87793 of 2024

Arising Out of PS. Case No.-547 Year-2021 Thana- SIKARPUR District- West Champaran

Devendra Chaudhary @ Dhirendra Chaudhary S/o Shankar Chaudhary R/o
Madhubani, ward no. 6, P.S. - Shikarpur, Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lakshami Devi W/o Upendra Chaudhary R/o vill - Madhubani, ward no. 6,
P.S. - Shikarpur, Distt.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anand Kishore Choudhary, Advocate
For the Opposite Party/s	:	Mr.Bhanu Pratap Singh, APP
For the Informant	:	Mr. Abhijeet Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-02-2025 Heard Mr.Anand Kishore Choudhary, learned counsel
for the petitioner, Mr.Abhijeet Gautam, learned counsel for the
informant and Mr.Bhanu Pratap Singh, learned A.P.P. for the
State.

2. The petitioner seeks bail, who is in custody since
22.07.2024 in connection with Shikarpur P.S. Case No. 547 of
2021, F.I.R. dated 16.10.2021 registered for the offence
punishable under Sections 376 D.A., 323/34 of the Indian Penal
Code and Sections 4 and 6 of POCSO Act.

3. Allegation against the petitioner is that he
alongwith other co-accused persons committed rape with the
minor daughter of the informant.



4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. In fact the petitioner is own uncle of the victim girl and allegation as alleged in the FIR is false and fabricated merely on the ground that there is some dispute between the parties.

5. The learned counsel for the informant and learned APP for the State, on the other hand, on the basis of the material available on the record and the case diary, have vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has committed wrong with her and apart from that, the medical report of the victim also supports the allegation as alleged in the FIR as well as statement of the victim under Section 164 Cr.P.C.

6. Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Shikarpur P.S. Case No. 547 of 2021 pending in the court of learned A.D.J.-VII-cum-Special Judge, POCSO, West Champaran, Bettiah.



7. Prayer is refused.

(Rajesh Kumar Verma, J)

Nitesh/-

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