

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72738 of 2025

Arising Out of PS. Case No.-179 Year-2025 Thana- BIRAUL District- Darbhanga

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Ajit Kumar Chaupal @ Ajit Chaupal S/O Ghuran Chaupal R/o vill - Balia,
P.S.- Biraul, Distt.- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md Faiyaz S/o Md. Sabbir R/o vill - Balia, P.O. - Afjala Balia, P.S.- Biraul,
Distt.- Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate
For the Opposite Party/s : Ms. Renu Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 13-07-2026 Heard Mr. Kedar Jha, learned counsel for the petitioner and Ms. Renu Kumari, learned APP for the State. Despite valid service of notice, none appears for the informant. Perused the case diary.

2. The petitioner seeks bail in connection with Biraul P.S. Case No. 179 of 2025 instituted for the offence under Section 70(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 & 6 of the POCSO Act.

3. Prosecution case in short is that on May 29, 2025, the minor daughter of the informant was abducted from near their home by three individuals, including the petitioner, and subjected to rape. The victim was later discovered in an orchard,



and after regaining consciousness, she identified the assailants, who subsequently escaped while threatening the informant.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 31.05.2025. Petitioner bears no criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. As per medical report, age of the victim is assessed between 18-19 years. It is also mentioned that there was no any genital injury or any stain on the cloths. There is contradiction in the statements of the victim recorded under Sections 180 and 183 of the BNSS, 2023. Learned counsel for the petitioner next submits that there was love affair between the petitioner and the victim, which fact is corroborated during investigation and they were in talking terms even on the date of alleged occurrence.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is fervently submitted that charge sheet in this case is submitted under Section 70(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 & 6 of the POCSO Act as also the offence alleged against the petitioner is serious in nature, hence, he does not



deserve the privilege of bail.

7. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence as also charge sheet being submitted under Section 70(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 & 6 of the POCSO Act, this Court is not inclined to grant bail to the petitioner. Prayer for grant of bail to the petitioner is hereby *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments preferably within a period of six months.

9. However, petitioner will be at liberty to renew his prayer for bail in the Court below, if the trial is not concluded within a period of six months from the date of receipt/production of a copy of this order.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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