

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5306 of 2015

Arising Out of PS.Case No. -60 Year- 2014 Thana -NIRMALI District- SUPAUL

1. Bindeo Mandal @ Vidyanand Mandal, Son of Mungalal Mandal Resident of Village - Dighiya, P.S- Nirmali, District - Suapul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate.

For the Opposite Party/s : Mr. Ram Shankar Das (Spl.Pp)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 09-02-2015

Heard both sides.

The petitioner apprehends his arrest in Nirmali P.S. Case No. 60 of 2014, registered for the offences punishable under Sections 376 and 511 of the Indian Penal Code and Sections 3(1)(W)(I)(II) of the SC/ST Act.

The victim made allegation that while she was sleeping in her house, the petitioner entered and made an abortive attempt to commit rape with her.

Learned counsel for the petitioner submits that the date of occurrence is 25.05.2014, but the FIR is lodged on 09.06.2014. There is two weeks delay in lodging of the FIR which casts serious doubt about the veracity of the information. On account of some village politics, the petitioner has falsely been

implicated in the case. It is further submitted that no offence under any Section of SC/ST Act is made out against the petitioner.

On perusal of the records, it appears that the victim made specific allegation that while she was sleeping in her house along with her children, this petitioner entered in her house and attempted to commit rape with her. The victim has stated that she informed her husband who came from Delhi and thereafter lodged the case.

Considering the allegations made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

However, the petitioner, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail and his prayer shall be considered on its own merit on the same day without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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