

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50959 of 2015

Arising out of Katihar Mahila PS.Case No. -23 Year- 2015 Thana -MAHILA PS District- KATIHAR

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Ganesh Mandal, Son of Late Ghoghan Mandal, resident of village - Tajganj
Fasiya, P.S. Muffasil, District - Katihar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Bimal Kumar, Advocate.

For the Opposite Party : Mr. Rajesh Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 08-03-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Katihar
Mahila P.S. Case No. 23 of 2015 registered for the offence
punishable under Section 376 of the Indian Penal Code.

Allegedly the petitioner committed rape with Lagfeni
Kumari, a dumb and deaf, daughter of the informant, which was
seen by villager Tarni Masomat.

Submission is of false implication due to partition of
land, the petitioner is own gotia of the informant and long dispute
is going on, the petitioner is in custody since 28.04.2015, no
spermatozoa was found during medical examination and further
no injury was present on her body and as such the petitioner

deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by submitting that the witness Tarni Masomat has supported the allegation and after the occurrence the petitioner went away from his village.

In the facts and circumstances stated above, considering the allegation against the petitioner is serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Katihar Mahila P.S. Case No. 23 of 2015 pending in the Court of learned Chief Judicial Magistrate, Katihar.

(Jitendra Mohan Sharma, J.)

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