

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.831 of 2017

Arising Out of PS.Case No. -185 Year- 2016 Thana -DARBHANGA SADAR District-
DARBHANGA

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1. Govind Mandal Son of Late ram Lakhan Mandal, Resident of Village-
Fazila, P.s.-Sadar, Darbhanga (O.P.,Bhalpatti) District-Darbhang.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjeev Kumar Jha

For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 18-05-2017 The appellant seeks regular bail in connection with

SC/ST Case No. 02/2017 arising out of Sadar (O.P. Bhalpatti)

Darbhanga P.S. Case No. 185 of 2016, registered for offences

punishable under Section 376 of Indian Penal Code and Section

3(i)(xii) of SC/ST Act, 1989.

Allegation against the appellant is that on the pretext of

marriage, he made physical relationship with the informant and,

thereafter, denied to marry the informant.

It has been submitted on behalf of the appellant that all

the allegations are false and concocted as the appellant made

physical relationship with the informant out of her own consent

and, therefore, he cannot be made accused for offence punishable

under Section 376 of Indian Penal Code and at best it can only be



said that appellant is not willing to marry her. This is a case of love affair between the parties and only to pressurize the appellant to marry her, the present false case has been filed. Appellant has been in judicial custody since 05.01.2017.

Learned Special Public Prosecutor opposed the prayer for bail.

Having heard both sides, in view of the fact that there is direct allegation against the appellant of committing rape on the informant on the pretext of marriage, as such, I am not inclined to release the petitioner on regular bail, this application is, accordingly, dismissed.

However, the trial court is directed to expedite the trial and try to conclude it within a period of nine months and if the trial is not concluded within the aforesaid period, the appellant will be at liberty to renew his prayer for bail in the court below itself.

(Vinod Kumar Sinha, J)

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