

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35048 of 2017

Arising Out of PS.Case No. -16 Year- 2017 Thana -AMDABAD District- KATIHAR

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KHUSHI LAL MANDAL @ KHUSHIL LAL MANDAL @ KUSHI LAL
MANDAL, son of Naresh Mandal, resident of Village- Balrampur, Police
Station- Amdabad, District- Katihar Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Mr. Sri Bharat Lal, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 10-08-2017 Supplementary affidavit has been filed on behalf of

petitioner annexing copy of First Information Report lodged by

Subhash Mandal and the copy of statement of Mamta Kumari

recorded under Section 164 Cr.P.C. with respect to another case.

Let it be kept on record.

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner, apprehending his arrest in connection
with Amdabad P.S. Case No. 16 of 2017 registered for the
offences punishable under Section 376 of the Indian Penal Code
and Section 4 POCSO Act, seeks the privilege of pre-arrest bail.

Allegedly, the informant was called by co-accused
Baby Devi at her house and when the informant went there the
petitioner dragged her and committed rape with her.



Submission is of false implication and that only with a view to put pressure so that the petitioner may perform marriage with the informant, this false case has been lodged. No such occurrence has taken place.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that from perusal of the impugned order it reveals that the Doctor has also found the sign of rape and the victim in her statement recorded under Section 164 of the Code of Criminal Procedure has supported the rape.

In the facts and circumstances as stated above, considering the nature of allegation, I am not inclined to grant the privilege of pre-arrest bail and, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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