

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47940 of 2017

Arising Out of PS.Case No. -154 Year- 2017 Thana -NATHNAGAR District- BHAGALPUR

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1. Ashok Mandal Son of Vishundeo Mandal, R/o Village- Santnagar,
Hanuman Ghar, P.S.- Barari, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Mr. Smt. Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 17-10-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Nathnagar P.S. Case No.
154 of 2017 instituted for the offence under Sections-376/34 of the
Indian Penal Code and Section-4 of the POCSO Act.

In the written report, there is allegation against this
petitioner that he took the informant in his lap and committed rape with
her along with other co-accused Ram Mandal in the maize field. The
victim girl has given statement u/S 164 of the Cr.P.C. wherein she has
stated that this petitioner and one Ram Mandal kidnapped her from the
Basa and committed rape with her in the maize field

The medical report of the victim girl has been enclosed as
Annexure-3 to this petitioner wherein the doctor has found age of the
victim to be below 18 years.

Counsel for the petitioner has submitted that there is some



inconsistency in the statement of the victim u/S 164 of the Cr.P.C. and the allegation made in the fardbyan. Counsel for the petitioner has submitted that he has falsely been implicated in the case because earlier Mama of the petitioner has filed a case against Bahnoi of the victim girl and therefore, at the instance of her Bahnoi, the victim has falsely implicated the petitioner. This petitioner is witness in that case.

This court finds that both in the fardbyan and the statement u/S 164 of the Cr.P.C. the victim girl has levelled specific allegation against the petitioner of committing rape with her along with co-accused Ram Mandal.

In such circumstances, this court is not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail is rejected.

The petitioner is directed to surrender in the court below and seek regular bail which will be considered on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

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