

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45941 of 2018

Arising Out of PS.Case No. -123 Year- 2015 Thana -BALRAMPUR District- KATIHAR

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Manzoor @ Mansoor @ Md. Manzoor @ Mansul @ Md. Mansul, son of
Late Mainuddin @ Naimuddin, resident of Village- Bagdogra, P.S.
Balrampur, District- Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bimal Kumar, Advocate.

For the Opposite Party : Smt. Pushpa Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 13-09-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
16.03.2016 in a case for the offence registered under Sections 323,
325, 376 of the IPC and 4 of the POCSO Act.

The prosecution story, in brief, is that on 01.02.2015
about 6.30 o'clock the complainant/informant had gone for natural
call in the Mango Orchard, the petitioner caught hold and gagged
her mouth and on the point of knife, he has committed rape upon
her and threatened her not to disclose the occurrence before her
parents. Then the complainant/informant started to weep with
shame on which the petitioner promised that he will marry with



her in future. Thereafter, the petitioner has continuously committed rape on the assurance that he will get marry with her on the eve of *Bakri Id.* When the petitioner did not perform marriage with her, she disclosed the facts before her parents. Her parents alongwith villagers went to the house of the petitioner, the petitioner confessed his guilt and he became ready to marry with her but the family members of the petitioner demanded a Motorcycle, two *Bhar* gold and other household articles for which a *Panchayati* was organized but the accused persons remained adamant to stand their demand. The complainant/informant and her family members showed their inability for fulfilling their demand. Ultimately, the complainant/informant filed the complaint case before the C.J.M., Katihar.

Earlier bail application of the petitioner was rejected by the then another Co-ordinate Bench of this Court vide Cr. Misc. No. 38033 of 2016 dated 20.10.2016 with a liberty given to the petitioner that the petitioner may renew his prayer for bail once the informant/victim is examined during trial. The evidence adduced by the informant/victim is Annexure-3 to the present application.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R/ complaint case. The victim in her evidence before the court below has



supported the allegation for commission of rape against the petitioner.

A report called for from the court below regarding the stage of the case indicates that the evidence and the statement under Section 313 Cr. P.C. has been recorded and the case is pending for argument.

Considering the nature of accusation and the stage of the case, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Balrampur P.S. Case No. 123 of 2015, pending in the court of learned A.D.J. Ist-cum-Special Judge, Katihar.

The court below is directed to take all necessary steps to conclude the trial at the earliest.

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(Sudhir Singh, J)

