

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32056 of 2019

Arising Out of PS. Case No.-257 Year-2018 Thana- KAUWAKOL District- Nawada

DHARMENDRA MANDAL Son of Suresh Mandal Resident of Village-
Jorawardih, P.S.- Kawakole, District- Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikram Deo Singh, Advocate. Mr. Birendra Kumar, Advocate
For the informant	:	Mr. Pramod Kumar Verma, Advocate.
For the State	:	Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 27-06-2019 Heard learned counsel for the petitioner and the
State.

The petitioner seeks bail in **Kawakole P.S. Case No. 257 of 2018**, instituted for the offence under Section(s) 376(ii)(i) of Indian Penal Code and Section 4 of POCSO Act.

Counsel for the petitioner submits that it has come in the statement of independent witnesses in paragraphs-74 and 75 of the case diary that dispute arose on account of plucking of vegetable. He further submits that occurrence is said to have taken place on 14.11.2018 and First Information Report has been registered on 16.11.2018. The victim girl has been examined on 17.11.2018. The Doctor has found no recent evidence of sexual intercourse.



It is alleged in the written report that while victim girl (informant) on the date of occurrence was alone in the house, petitioner entered into the house and committed rape with her.

Case diary has been received.

The statement of victim girl (informant) recorded under Section 164 Cr. P.C. is available in the case diary wherein she has stated that petitioner entered into the house and committed rape with her. The statement of independent witnesses namely, Nitish Kumar and Chandrika Mandal have been recorded in paragraphs-74 and 75 of the case diary wherein they have stated that some days back dispute had taken place between the parties due to throwing of garbage.

Medical report is also available in the case diary wherein the Doctor has found no evidence of recent sexual intercourse as no dead or alive spermatozoa was seen. The informant was examined on 17.11.2018.

Petitioner is in custody since 12.3.2019 having clean antecedent.

Considering the aforesaid facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner above named, be released on bail on



furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Additional District Judge-1st, Nawada**, in connection with **Kawakole P.S. Case No. 257 of 2018**, subject to the condition that both the bailors will be close relatives of the petitioner.

(Sanjay Priya, J)

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