

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20767 of 2020

Arising Out of PS. Case No.-183 Year-2018 Thana- PIRPAINTI District- Bhagalpur

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YOGESH MANDAL @ YOGESH KUMAR MANDAL @ YOGESH KUMAR @ JUGESH MANDAL Son of Amika Prasad Mandal @ Ambika Prasad Mandal Resident of Village - Madhuban Tola, P.S.- Pirpainty, District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr.J.K.Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 10-09-2020 Heard learned counsel for the petitioner and learned APP for the State through video conference. Learned counsel for the petitioner undertakes that all defects pointed out by the stamp reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of physical functioning of the Court, and in any event within one month thereof. Learned counsel for the State states that he has no objection in this regard and the matter be taken up on merits in view of the stated urgency.

2. The petitioner, who is in custody since 26.04.2019, has renewed his prayer for bail in connection with Pirpainty (Bakharpur) P.S. Case No. 183 of 2018, G.R. No. 4521 of 2018



having earlier been rejected by order dated 04.12.2019 in Cr. Misc. No. 43403 of 2019 for the alleged offences under Section 363 of the Indian Penal Code and subsequently added Section 376 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated and the initial deposition of the so-called victim girl implicating the petitioner cannot be relied on, in view of her deposition as P.W. 1 recorded on 16.12.2019 before the learned court below in which she has not stated anything incriminating whatsoever against the petitioner. It has been stated by her that she voluntarily boarded a train and alighted at a station where she met the petitioner, who told her to go home, upon which she went to her maternal aunt's house. The father of the girl in his deposition has also not stated anything against the petitioner. It is stated that the petitioner has already suffered about one and half years in custody. The petitioner claims clean antecedents.

4. Learned APP appears and has been heard.

5. Be that as it may and having regard to the period of custody already suffered since 26.04.2019, 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 Sessions Judge 1st-



cum-Special Judge, POCSO Act, Bhagalpur in connection with
Pirpainty (Bakharpur) P.S. Case No. 183 of 2018, G.R. No.
4521 of 2018, if he is not otherwise required in any other case.

6. Office shall follow-up to ensure that all defects are
removed and compliance with the notices of this Court are made
by the petitioner within the stipulated time provided in para 1
hereinabove, failing which the matter shall be brought to the
notice of this Court.

(Vikash Jain, J)

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