

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13849 of 2021

Arising Out of PS. Case No.-55 Year-2019 Thana- BHEJA District- Madhubani

Shiv Narayan Mandal male, aged about 22 years, Son of Rabhash Lal Mandal
Resident of village- Karhara, P.S. Bheja, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Jha Raman

For the Opposite Party/s : Smt. Asha Kumari,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 30-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Bheja P.S. Case No. 55 of 2019, corresponding to G.R. No. 30 of 2019, registered for the offence under Sections 341, 323, 376, 504, 34 of the Indian Penal Code and Section 4 of the POCSO Act.

As per the prosecution case, this petitioner is alleged to have committed rape upon the minor daughter of the informant.

It is submitted on behalf of petitioner that during course of trial, three witnesses, including informant and the victim girl, have been examined and in their cross-examination, neither the victim girl nor the informant has supported the prosecution case and submitted that petitioner has not committed rape and due to darkness, they could not recognize the accused person. Petitioner is in custody since 19.07.2019.



Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts & circumstances as well as deposition of victim and informant, the bail petition of petitioner is allowed. Let the above named petitioner 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 Addl. Sessions Judge VII-cum-Special Judge, POCSO Act, Madhubani, District Madhubani in connection with Bheja P.S. Case No. 55 of 2019, corresponding to G.R.No. 30 of 2019, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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