

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17442 of 2021**

Arising Out of PS. Case No.-205 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

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BIBHASH MANDAL @ KAILU MANDAL Son of Sri Manohar Mandal
Resident of village- Bangdiha, P.S.- Goradih, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Navjot Yesu, Adv.

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under section 376 of the Indian Penal Code and section 4 of the POCSO Act.

As per the prosecution case lodged by the fourteen year old informant, the petitioner committed rape on her.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the F.I.R. are false and concocted. The petitioner has been falsely implicated in the case because of land dispute between the families. It is submitted that from reading of the contents of the F.I.R. together with the statement under section 164 Cr.P.C., it would transpire that the narration of the occurrence varies and is inconsistent. The



medical report does not support the allegations in the F.I.R. in so far as no physical injury has been found on the body of the informant nor is there any evidence of sexual assault. The petitioner is in custody since 25.6.2020 and has no criminal antecedent.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the direct allegation against the petitioner in the F.I.R. which is supported by the fourteen year old informant in her statement under section 164 Cr.P.C., the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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