

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35432 of 2020

Arising Out of PS. Case No.-185 Year-2019 Thana- NATHNAGAR District- Bhagalpur

DILIP KUMAR MANDAL son of NAGE MANDAL @ Nageshwar Mandal
Resident of Village- Dildarpur, P.S.- Nathnagar, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

4 12-03-2021 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Nathnagar Police Station Case No. 185 of 2019, registered for the offence punishable under Section 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

The allegation, as per the First Information Report, is that on 18.04.2019, in the evening, while the victim was returning from maize field, the petitioner forcibly took her in the maize field and committed rape upon her.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and has falsely been implicated in this case due to village rivalry. He next submits that the occurrence has allegedly taken place on 18.04.2019, but the First Information Report has been



lodged on 20.04.2019 in the evening, i.e. after a considerable delay. He further submits that the petitioner is in custody since 09.06.2020.

This Court, vide order, dated 03.02.2021, had called for a report from the 1st Additional Sessions Judge -cum- Special Judge, POCSO, Bhagalpur, regarding the stage of the trial and in pursuance thereof, a report has been submitted by the learned 1st Additional Sessions Judge -cum- Special Judge, POCSO, Bhagalpur, and from perusal of the same, it appears that the case is fixed for examination of only one witness, i.e. PW 7 (doctor) and the trial is likely to be concluded within a period of three months.

Having heard learned Counsel for the parties and taking into consideration the fact that the trial is likely to be concluded within a period of three months, I am not inclined to grant regular bail to the petitioner, at this stage.

This application is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail after three months if the trial is not concluded.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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