

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47985 of 2021**

Arising Out of PS. Case No.-629 Year-2018 Thana- NATHNAGAR District- Bhagalpur

HITESH KUMAR MANDAL @ HITESH KUMAR S/o MOGAL MANDAL
R/o VILLAGE-SRIRAMPUR, P.S- NATH NAGAR, DISTRICT-
BHAGALPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Rina Sinha

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 23-11-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail registered for the offences punishable under section 376 and other allied sections of the Indian Penal Code and section 4 of the POCSO Act.

As per the prosecution case, this petitioner took away the victim and made physical relation for 40 days on the pretext of marriage.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to some ulterior motive and in fact no such occurrence took place. Victim is major as such offence under the POCSO Act would not be attracted. Petitioner has got clean antecedent as stated in paragraph 3 of the bail petition. Petitioner is in



custody since 17.10.2018.

Learned counsel for the State opposes the prayer for bail and submits that there is direct allegation of committing rape on the victim against the petitioner.

Considering the nature of accusation against the petitioner, his prayer for bail is refused.

Since the petitioner is in custody since 17.10.2018, let the trial be concluded preferably within nine months.

(Prabhat Kumar Singh, J)

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