

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4730 of 2021

Arising Out of PS. Case No.-256 Year-2020 Thana- SUPAUL District- Supaul

SUNIL KR. MANDAL @ SUNIL MANDAL SON OF SATYA NARAYAN
MANDAL RESIDENT OF VILLAGE - JHAKHRAHI, POLICE STATION
and DISTRICT – SUPAUL. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun
For the Opposite Party/s : Mrs. Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 17-08-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects within four weeks of resumption of normal
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Section 366A, 363A, 365, 120B and
504 /34 of the Indian Penal Code and later on charge sheet was
submitted under Section 366A/376 of the Indian Penal Code and
Section 4/10 of the POCSO Act.

The petitioner in association of other co-accused is
said to have abducted the minor daughter of the informant and
confined her in the house of the co-accused Ramesh Mandal.

It is submitted by learned counsel for the petitioner



that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case due to dirty village politics. As a matter of fact, the petitioner and informant are co-villagers and are on litigating terms. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is delay of five days in the lodging the F.I.R. without assigning any plausible reasons for the same. The petitioner has one criminal antecedent and has been languishing in custody since 24.04.2020.

Learned APP for the State vehemently opposing the bail petition submitted that the victim girl in her statement made under Section 164 Cr.P.C. has clearly identified the petitioner as the rapist. She also stated the manner as to how she was made captive and repeatedly raped. He further submitted that the offence is heinous in nature as a girl child was brutally raped. Hence, the petitioner does not deserve bail.

In the facts and circumstances of the case and considering the nature of the offence, I am not inclined to enlarge the petitioner on bail.

The prayer for bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J.)

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