

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5183 of 2021

Arising Out of PS. Case No.-78 Year-2020 Thana- MAHILA P.S District- Supaul

DEEPAK KUMAR MANDAL S/o Jai Prakash Mandal Resident of Ward No.-
06, Village- Belhi, P.S.- Marauna, District- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Goutam, Advocate
For the State : Ms. Rita Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-06-2021 Heard learned counsel for the petitioner and learned APP
for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Supaul Mahila P.S. Case no. 78 of 2020 registered under sections 376, 341, 323, 504, 506 and 34 of the Indian Penal Code and section 4 of POCSO Act.

As per allegation in the FIR, it is stated by the informant that his 14 years old minor daughter was raped by the petitioner.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted. Referring to the statement of the daughter of the informant recorded under section 164 of the Cr.P.C., it is submitted that she has not supported that allegations of rape as alleged in the FIR. Further referring to the report of the Medical Board, it is submitted that her age has been estimated to be 17-19 years. In her statement under



section 164 Cr.P.C. she has stated about enmity between the two families. Petitioner is in custody since 10.8.2020 and has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the contents of the statement under section 164 of the Cr.P.C. and the petitioner having remained in custody for more than 8 months, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with POCSO Case no. 42 of 2020 (arising out of Supaul Mahila P.S. Case no. 78 of 2020) on furnishing bail bond of Rs. 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge VI – cum – Special Judge, POCSO Court, Supaul.

(Partha Sarthy, J)

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