

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7007 of 2021

Arising Out of PS. Case No.-105 Year-2020 Thana- KAHALGAON District- Bhagalpur

INOD MANDAL Son of Sanjay Mandal Resident of Village- Gaglday
Anadipur, P.S.- Kahalgaon, Distt- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video
Conferencing and the Advocates joined the proceedings through Video
Conferencing from their residence.)

2 17-04-2021 The defect(s) as pointed out by the Office be removed by
the learned counsel for the petitioner within two months after
the High Court resumes its normal functioning.

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence
punishable under Section 376(D) of the Indian Penal Code.

As per the prosecution case, the informant in her written
report stated that on 08.02.2020 at about 8:00 P.M. while she
was standing at the gate of her house, petitioner along with three
other accused came on motorcycle and tied her mouth by
Gamcha and she was taken to LMP brick kiln where all of them
did wrong with her.

It has been submitted on behalf of the petitioner that



petitioner is innocent and has falsely been implicated in this case. There is inordinate delay of six days in lodging the FIR as the alleged occurrence is said to have taken place on 08.02.2020 whereas written report has been submitted on 14.02.2020 and no explanation of aforesaid delay has been given in the written report. It has further been submitted that there is contradiction in written report of the informant as well as statement of victim recorded under Section 164 of the Cr.P.C. The medical report of the victim shows that no sign of violence either on external or on internal part of the body has been found.

There is dispute between petitioner and father of victim with respect to loan provided by petitioner to father of victim which was not returned. In the year 2018, father of victim had lodged FIR with similar allegation against co-villager (Annexure-4).

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with Kahalgaon (Ghogha) P.S. Case No. 105 of 2020, G.R. No. 632 of 2020, with following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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