

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6524 of 2022

Arising Out of PS. Case No.-70 Year-2020 Thana- DHURAIYA District- Banka

=====

Pramod Mandal Son Of Naresh Mandal R/O Village- Joki, P.S.- Dhoraiya,
District- Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Ajay Kumar Jha

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 17-08-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with S.T.
No. 268 of 2021, arising out of Dhoraiya P.S. Case No. 70
of 2020, registered for the offences punishable under
Sections 456 and 376 of the Indian Penal Code.

As per allegation, when the informant was sleeping
in her house, the petitioner came there and ravished her.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
this case on account of land dispute. He further refers to the
statement of the alleged victim recorded under Section 164



Cr. P.C. in which she has not made any allegation of rape by the petitioner. He also refers to the medico-legal report, as per which the Doctor has not found any spermatozoa in the private parts of the alleged victim, though she was examined within 24 hours of the alleged occurrence. He also submits that the petitioner has been languishing in jail since 28.06.2020 i.e. for more than two years. He also submits that after submission of charge-sheet, the charge has been framed against the petitioner.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstance, particularly the period of custody and the statement of alleged victim recorded under Section 164 Cr. P.C., the petitioner, above-named, is directed to be released on bail



on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge Banka/Successor Court, Banka in connection with S.T. No. 268 of 2021, arising out of Dhoraiya P.S. Case No. 70 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the



petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

ashishkr/-

U		T	
---	--	---	--

