

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19329 of 2022

Arising Out of PS. Case No.-106 Year-2020 Thana- Mahila P.S. District- Madhubani

Chandan Bhandari @ Chandan Kumar Mali S/o Amardeo Bhandari Resident
of Vill- Kamalpur, P.S.- Pandaul, Dist- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 24-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Mahila P.S. Case No. 106 of 2020 (G.R. No. 69 of 2020) lodged
under Sections 341/323/504/376 of the I.P.C. read with Section
4/5 of POCSO Act.

As per the prosecution case, the allegation of rape by
the petitioner is there in the F.I.R. which is alleged to be taken
place on 11.12.2020 but the present F.I.R. was lodged on
22.12.2020 that is after lapse of about 11 days.

Learned counsel for the petitioner submits that he is
innocent and has committed no offence. He submits that he is

Soldier in Army and under a deep-rooted conspiracy, the present case has been filed against him due to the reason that he has provided loan to the father of the alleged victim for that an agreement was also prepared between them. He further submits that the witnesses of the said agreement have affidavited and intimated that with a view to create pressure upon the petitioner, the present case has been filed which is Annexure-2 series. Learned counsel further submits that medical report is Annexure-3 and the conclusion of the Medical Board is that no medical evidence of sexual assault found at the time of examination on the body of the alleged victim. Learned counsel further submits that petitioner is in custody since 28.02.2022, charge sheet has already been filed in this case and he has clean antecedent.

Learned counsel for the informant appeared in this case. Suo moto and on specific query about Annexure-2, time was granted by the Court but he has not filed any reply and orally submits that informants side is completely unaware about this deed.

Learned counsel for the State opposes the prayer for bail but simultaneously admits that the date of occurrence is 11.12.2020 but F.I.R. has been filed on 22.12.2020 without any

plausible explanation.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned VIth Addl. Sessions Judge Cum Special Judge (POCSO Act) Madhubani, Distt- Madhubani in connection with Mahila P.S. Case No. 106 of 2020 (G.R. No. 69 of 2020), subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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