

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23303 of 2022

Arising Out of PS. Case No.-93 Year-2019 Thana- KRITYANAND NAGAR District- Purnia

Milan Mandal son of Gyan Chand Mandal @ Gyanchand Mandal Resident of
Uday Nagar Chanka, P.S.- K. Nagar (Srinagar), District - Purnea.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-07-2022 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
Supplementary Special (POCSO) Case No. 19 of 2019, arising
out of K. Nagar (Sri Nagar) P.S. Case No. 93 of 2019, lodged
under Sections 376 (2) (I) and 34 of the Indian Penal Code and
Section 3 and 4 of the POCSO Act.

The prosecution case is that at night of 20.03.2019,
the informant lodged the F.I.R. stating that in the noon her
daughter visited near canal for cutting the grass for her goat,
then it was informed by the local children of the village that
some boys kidnapped her daughter and went in the western side



of the maize field. When the informant reached there she has seen that hands of her daughter were tied and there was not a single cloth on her body. The daughter of the informant disclosed that three persons namely the petitioner, Ramchandra Mandal and Birbal Mandal had raped her. When noise was made by the children of the village they fled away. With this allegation the present case has been lodged.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that charges under three heads have been framed against him (Annexure-A-2) and subsequently he annexed the deposition of PW 1, 2, 3, 4 and 5. stating that all the witnesses were declared hostile, as such no case is made out. Learned counsel for the petitioner further submits that petitioner is in custody since 19.12.2019 and charge sheet has been submitted as well as charge has been framed and as per (Annexure-3 series) evidences are going on. Upon query, that how many evidences are still left, he answered that as per his knowledge only two witnesses are left.

Learned APP submits that it is a case in which charge has been framed under Section 376/120B of the Indian Penal Code and Section 4 of the POCSO Act. Stage of evidence is



going on and only two witnesses are left, therefore, at this stage bail may not be granted, because on two dates i.e at the stage of 313 and on the date of judgment, physical presence of accused is necessary.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to bail, therefore bail application of the petitioner is rejected with this observation to conclude the trial within 6 months.

(Dr. Anshuman, J.)

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