

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31420 of 2021**

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- Kamal Pur, P.S.- Pandaul, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr. Kedar Jha
For the Opposite Party/s :		Mr. APP
For the Informant		Mr. Gagandev Yadav

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 18-02-2022 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to
honour his undertaking to remove the defects as pointed out by
the office when called upon to do so by the office.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Mahila P.S. Case no. 106 of 2020 instituted for the offence
punishable under Sections 341, 323, 504, 506, 376 of the Indian
Penal Code and Sections 4 and 6 of the POCSO Act.

As per allegation in the FIR, when the minor girl,



aged about 12 years had gone to her Bari for call of nature, petitioner had pressed her mouth and committed rape upon her.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. He has a government servant. In fact, on earlier occasion, father of the informant had borrowed an amount of Rs. 2 lac for which an agreement on stamp paper of Rs. 1,000/- is also annexed as Annexure-2 to this petition and only with a view to grab the said amount, informant has lodged present FIR with false and fabricated story. It appears from the impugned order that age of the victim girl has been assessed in medical report as 16 years.

Learned APP appearing for the State and learned counsel for the informant have opposed the prayer of bail and submitted that victim is a minor girl. In statement recorded under Section 164 Cr.P.C. of the victim girl, she has made direct allegation of rape against the petitioner. During course of investigation, witnesses have also supported the prosecution story.

Having heard learned counsel for the parties and taking into consideration that there is direct allegation of rape against the minor girl, I am not inclined to grant bail to the



petitioner and, as such, his application for bail is rejected.

(Sunil Kumar Panwar, J)

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