

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 26047 of 2022

Arising Out of PS. Case No.-13 Year-2022 Thana- MAHILA P.S. District- Saharsa

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NARESH MANDAL Son of Late Tripuri Mandal Resident of Village -
Arajpur, Ward No.3, P.S.- Basanahi, Distt.- Saharsa, and at Present Elected
Sarpanch of Bahua North Gram Panchayat (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sima Devi W/o Pappu Sada Resident of Village - Mahua Bazar, Ward no.3,
P.s.- Basanahi, Distt.- Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anant Kumar 1
For the Opposite Party/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Mahila P.S. Case no. 13 of 2022 instituted for the offence
punishable under Sections 341, 376, 323, 504, 506/34 of the
Indian Penal Code and Section 4/6 POCSO Act and Section 3(i)
(r)(s), 3(i)(w)(i)(ii), 3(2)(va) of SC/ST Act.

As per allegation in the FIR, co-accused Sarfaraz
forcefully committed rape upon the daughter of the informant.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no



offence. Petitioner has been falsely implicated in this case due to village politics. The specific accusation of committing rape is against co-accused Sarfaraz. The petitioner had conducted the panchayati only to pacify the matter. A statement has been made in para-3 of the petition that he has no criminal antecedent.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Mahila P.S. Case no. 13/2022, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge (POCSO), Saharsa subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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