

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38746 of 2021

Arising Out of PS. Case No.-123 Year-2021 Thana- PUPRI District- Sitamarhi

=====

MUNNA MANDAL, (Male), aged about 24 years, Son of Laxmi Mandal,
Resident of Village - Bhitha, P.S. Pupri, District- Sitamarhi.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party : Mr. Ashok Kumar, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 11-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

The petitioner is apprehending his arrest in connection
with Pupri P.S. Case No. 123 of 2021 for the offence registered
under Sections 341, 323, 376(D), 435, 504, 506/34 of the I.P.C.,
Section 4 of POCSO Act and Section 37(b)(c) of the Bihar
Prohibition and Excise Act.

The prosecution story, in brief, is that the informant



has the shop of *Mudhi-Kachari* in her village near the Bank of India. On 08.04.2021 at 6.00 P.M., the informant and her minor daughter aged about 15 years, were running the said shop, in the meantime, her villager, namely, Ram Janki Kumar and Munna Mandal (petitioner) came at her shop through four wheeler after taking liquor and started abusing her daughter. When the informant forbade them to abuse, upon which, co-accused Ram Janki Kumar and Munna Mandal (petitioner) started assaulting her daughter with an *Iron rod*, as a result of which, her daughter sustained injury in the elbow of her right hand. When the informant came to rescue her daughter, she was also assaulted by co-accused Ram Janki Kumar with an *Iron rod* on her waist, as a result of which, she sustained injury. It is further alleged that 10 days ago, co-accused Ram Janki Kumar and Munna Mandal (petitioner) took her daughter by alluring her through four wheeler and established physical relationship with her but due to shame in the society, she did not give information to any one about it. On cry, the villagers came there and took the informant and her daughter at the police station and thereafter they were admitted at Pupri Hospital for treatment. Thereafter, co-accused Ram Janki Kumar and Munna Mandal (petitioner) set fire in the shop of the informant.



It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. Due to village politics, the name of the petitioner has been dragged in the present case. It has further been submitted that the petitioner had given loan to the mother of the victim. When the money was being demanded by the petitioner then the informant to save herself got instituted the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. The victim has been examined under Section 164 Cr. P.C. where she has categorically stated that the petitioner and the co-accused had taken obscene photographs and uploaded the same which was viraled thereafter. It is further alleged that the petitioner and the co-accused had committed rape upon the victim.

Considering the nature of accusation, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Pupri P.S. Case No. 123 of 2021, pending in the court of learned 6th Additional Sessions Judge, Sitamarhi.



If the petitioner surrenders in the learned court below and prays for regular bail the same shall be considered by the learned court below on its own merit without being prejudiced by this order of the Court.

(Sudhir Singh, J)

U.K./-

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

