

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30043 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- HARLAKHI District- Madhubani

AJAY MANDAL @ AJAY KUMAR MANDAL Son of Panachu Mandal
R/V- Parsa, P.S.- Basopatti, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah
For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in Harlakhi P.S. Case no.

46/2022 registered for the offences punishable under sections 376,

341, 323, 427 of the Indian Penal Code and sections 4/6 of POCSO

Act.

As per allegation, informant's minor daughter aged about

14 years was kidnapped by this petitioner and she was taken to an

orchard where petitioner took turns to rape her and sexually assaulted

her and thereafter informant and his family members started

searching the victim and found her at the place of occurrence in semi

unconscious stage.

The main submissions advanced by Sri Bhavesh Kumar



Sah, the learned counsel for the petitioner are that offences under section 376 IPC and sections 4/6 of POCSO Act are not made out against the petitioner as sexual assault was not committed by the petitioner, petitioner has been languishing in jail since 18.2.2022 and there is contradiction between statement of the victim recorded under section 164 Cr.P.C and the statement recorded under section 161 Cr.P.C. Further submission is that in fact, the informant wanted to marry his daughter with this petitioner which was not accepted due to that reason, present case has been falsely lodged.

Sri Shyam Kumar. Singh, learned APP appearing for the State has opposed the prayer for bail.

Heard both sides, perused the FIR and the statement of the victim recorded under section 164 Cr.P.C. As per report of the Medical Board, victim's age has been assessed as 16 years at the time of examination as such she was minor at the time of alleged occurrence and the allegation made in the FIR has been supported by the victim herself before the Judicial Magistrate.

In view of nature of the allegation, this Court is not inclined to grant privilege of bail to the petitioner and accordingly his prayer for bail stands rejected.

(Shailendra Singh, J)

s.hassan/-

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