

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43122 of 2021

Arising Out of PS. Case No.-124 Year-2021 Thana- BIRPUR District- Supaul

RAJENDRA MANDAL SON OF NARESH MANDAL R/O VILLAGE-
GOSPURPATTI, WARD NO.-09, P.S.-BIRPUR, DISTRICT- SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Adv.

For the Opposite Party/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-04-2022 Heard Mr. Arun, learned counsel for the petitioner
and Mr. Sadanand Paswan, learned Additional Public Prosecutor
for the State.

Petitioner seeks regular bail in connection with
POCSO Case No. 24/2021 arising out of Birpur PS Case No.
124/2021 registered for the offence punishable under Section
376 of the IPC, under Section 04 of POCSO Act & 3(2)(V)
SC/ST Act.

As per First Information Report, while the informant
was away from his house for his personal work, the petitioner
entered into his house and committed rape upon his minor girl
aged about 14 years.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case due to political



reason inasmuch as the petitioner has been elected as Ward Member and on his complaint the PDS license of the relative of the informant was cancelled. He further submits that medical examination of the victim girl was held two to three days after the occurrence and the girl was found aged about 15 to 17 years. However, the medical opinion is that her hymen was found intact. Petitioner is in custody since 15.04.2021.

On the other hand, learned counsel for the State, referring to the statement of the victim recorded under Section 164 of the CrPC, submits that the victim girl has supported the prosecution case and she was a victim of rape at the hands of the petitioner.

Regards being had to the submissions made by the parties and taking into consideration the statement of the victim girl recorded under Section 164 of the CrPC, I am not inclined to grant regular bail to the petitioner. Accordingly, the prayer for bail of the petitioner is rejected.

Let the trial be expedited.

(Anil Kumar Sinha, J)

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