

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54590 of 2021

Arising Out of PS. Case No.-52 Year-2021 Thana- AMARPUR District- Banka

Triveni Mandal @ Tiveni Mandal Son Of Karu Mandal Resident Of Vill.-
Narkatta, P.S. - Amarpur, District- Banka

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manohar Prasad Singh

For the Opposite Party/s : Mr. Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 03-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Special
Case No.09 of 2021 arising out of Amarpur P. S. Case No.52 of
2021, instituted for the offences under Section 376 of the Indian
Penal Code and Section 8 of the POCSO Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 25.02.2021, he is a person with
clean antecedent and charge-sheet has been submitted in the
case.

The learned counsel for the petitioner submits that the
informant alleges that her minor daughter aged about 13 years
was raped by the petitioner and the victim started screaming.
Accordingly, the informant reached the place of occurrence, but
the petitioner by then had fled away. It is further alleged that
there was a Panchayati, but the petitioner did not accept the



Panchayat rather abused and became ready to assault the informant and her family members.

The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant herself in the F.I.R. has stated that after the occurrence, there was a Panchayati and the petitioner did not agree to the terms of the Panchayati, but the F.I.R. does not disclose that on what ground and for what reason the Panchayati was held. What was the terms and conditions imposed by the Panchayati for which the petitioner did not become ready.

The learned counsel further submits that it absolutely does not stand reason that if a minor daughter is raped by an accused, the parents would first go to the Panchayati for getting the matter settled and when the matter is not settled then will approach the police. Learned counsel thus submits that the fact that the informant and his family members went for Panchayati, as such, it cannot be said that out of fear they were not able to get the F.I.R. instituted. It is submitted that the F.I.R. was instituted after a delay of two days.

The learned counsel further submits that even the medical does not support the allegation of rape. It is further



submitted that the witnesses during the course of investigation have submitted at Paras-75, 76, 77 have stated that the petitioner has been falsely implicated on account of land dispute.

The learned A.P.P. for the State opposes the bail application and submits that the victim in her statement made under Sections 161 and 164 of the Cr.P.C. has supported the prosecution case, but fairly admits that the medical does not corroborate the allegation as alleged.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Banka in connection with Special Case No.09 of 2021 arising out of Amarpur P. S. Case No.52 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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