

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67313 of 2021**

Arising Out of PS. Case No.-245 Year-2021 Thana- FALKA District- Katihar

SUMAN KUMAR MANDAL @ SUMAN KUMAR @ SUMIT KUMAR S/o
Akhilesh Mandal @ Akhlesh Mandal R/o village- Simariya, P.S.- Falka, Dis-
trict- Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:Mr. Suresh Prasad Sah, Adv.
For the Opposite Party/s	:Mr. Uma Shankar Prasad Singh, APP
For the informant	:Mr. Satya Narayan Yadav, Adv.

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 16-05-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 376, 341, 323 and 34 of the Indian Penal Code and sections 3, 4, 6 and 12 of the POCSO Act.

As per the prosecution case, the informant states that when her 14 year old daughter had gone to the field to cut grass the petitioner committed rape on her.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. Referring to the statement made in the FIR and statements recorded under sections 161 and 164 Cr.P.C. it is submitted that there are major contradictions in the three statements. It has



transpired in paragraph nos. 55, 56 and 57 of the case diary that there is a love affair between the parties. Medical report does not support the prosecution case of rape. There is an unexplained delay of three days in lodging of the FIR. The petitioner is in custody since 28.7.2021 and investigation in the case is complete. The petitioner has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant.

Having heard learned counsel for the parties and taking into consideration the direct allegation against the petitioner in the FIR together with the contents of the statement of the victim under section 164 Cr.P.C. wherein allegation of rape is made against the petitioner, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

The learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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