

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.72380 of 2022**

Arising Out of PS. Case No.-620 Year-2020 Thana- BANKA District- Banka

DEEPAK KUMAR MANDAL S/o Sri Brahamadev Mandal @ Bumbum  
Mandal R/v- Changeri, P.O.- Mirjapur, P.S.- Barahat, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Uday Pratap Singh

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA  
ORAL ORDER**

2      21-12-2022                      Heard learned Counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Banka (Barahat) Police Station Case No. 620 of 2020 (G. R. No. 101 of 2020), registered for the offences punishable under Section 376 (g) of the Indian Penal Code and Section 4 of the Prevention of Children from Sexual Offences Act, 2012.

This is the second attempt on behalf of the petitioner for grant of regular bail. Earlier, the prayer for regular bail of the petitioner was permitted to be withdrawn by this Court, vide order, dated 24.02.2022, passed in Criminal Misc. No. 32609 of 2021, giving liberty to the petitioner to renew his prayer for bail after statement of the victim girl is recorded during course of the trial.



The prosecution case, as per the First Information Report, is that the petitioner, along with other co-accused persons, forcibly dragged the informant in an agricultural field and committed rape upon her.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to village politics and he is in custody since 14.10.2020. He further submits that no sign of rape has been found in the medical examination of the victim girl and the informant has not clearly stated about commission of rape by the petitioner and others in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973. He next submits that the victim-informant was examined as P.W. 3 during the course of trial and from perusal of her deposition (Annexure-5), it would be evident that she has not supported the prosecution story.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner is in custody sine 14.10.2020, the victim girl-informant has not supported the prosecution story during the course of trial and this is second attempt on behalf of the petitioner for grant of bail, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.



Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 6<sup>th</sup> Additional Sessions Judge -cum- Special Judge, POCSO, Banka, in connection with Banka (Barahat) Police Station Case No. 620 of 2020 (G. R. No. 101 of 2020).

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

**(Anil Kumar Sinha, J.)**

Prabhakar Anand/-

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