

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 6309 of 2022

Arising Out of PS. Case No.-183 Year-2021 Thana- RUPAULI District- Purnia

RANJIT KUMAR MANDAL SON OF ANIL MANDAL R/O VILLAGE-
MAINI DHRUV DAS TOLA, P.S.- RUPAULI, DISTRICT- PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Manish Kumar, Advocate

For the Opposite Party/s : Mr Satya Nand Shukla, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

8 30-01-2023

Heard learned counsel for the petitioner, informant and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Rupauli Police Station (for brevity, **PS**) Case No 183 of 2021 registered for the offence punishable under Section 376 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act.

As per first information report (for brevity, **FIR**), the informant's daughter, aged about 16 years, was going in the wash room behind the house. It is alleged that the petitioner was sitting there since before and when the informant's daughter entered, he gagged her mouth and committed misdeeds with her on which she started making noise. It is further alleged that informant's wife rushed to the place from where the petitioner was seen fleeing away. The informant's daughter has intimated the informant that six months prior to the occurrence, the petitioner had also taken some photographs while she was taking bath and was using the same to coerce her for fulfilling his perverse desires and has subjected her to some ordeal earlier as well.

Learned counsel for the petitioner submits that the



allegations, as sated in the FIR, appear to be highly improbable and absurd as it is beyond comprehension that the victim was suffering the similar ordeal for the last six months but has chosen to raise her voice only on 07.11.2021, i e, the date mentioned in the FIR. From the records, it is obvious that the petitioner and the alleged victim are cousins. It is further submitted that there is inconsistency between the allegations made in the FIR and statement of the victim recorded under Section 161 as well as Section 164 of Criminal Procedure Code (for brevity, **Cr P C**). The petitioner, having no antecedent, is in custody since 12.11.2021. It is further submitted that the age of the victim also is doubtful, as per the material collected in the course of investigation.

Learned APP has opposed the prayer for bail. It is submitted that the victim has supported the allegation of rape in her statement recorded under Section 164 of Cr P C and she is a minor.

This Court, having considered the rival submissions, had requisitioned a report regarding the stage of trial. Report dated 19.01.2023 is to the effect that out of five witnesses, two witnesses (victim and her mother) have been examined.

In view of the progress at the trial and since the minor victim has made specific allegation against the petitioner, this Court, for the present, is not inclined to allow the prayer for bail. The same is rejected.

This Court, however, would observe that all efforts should be taken by the trial Court to conclude the trial expeditiously, without any undue delay or undue adjournments, and preferably within three months from today.

(Madhuresh Prasad, J)

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