

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16787 of 2023**

Arising Out of PS. Case No.-82 Year-2022 Thana- KHIRHAR District- Madhubani

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SANICHAR MANDAL S/O- LATE RATAN MANDAL Village- Mangratha
@ Mangrahta Ps- Khirhar Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rana Bhupendra Narayan Singh, Adv.
For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 09-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Khirhar
P.S. Case No. 82 of 2022 registered for the offence under Sections
341, 323, 342, 307 and 376 of the Indian Penal Code.

The petitioner is alleged to have committed rape upon
the victim after taking her in to bushes. She is also subjected to
assault and threaten.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the allegation, as alleged in the F.I.R., is false and fabricated and
the petitioner has not committed any offence. He further submits
that the petitioner happens to be a labourer of the informant and



there was admitted dispute with regard to wages between them on account of that the petitioner has been made accused in this case. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 14.11.2022.

Learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that the statement of the victim has been recorded under Section 161 Cr.P.C. in which she has specifically stated that while she went out from her house for attending the call of nature, the petitioner caught her mouth and taken to the bushed and committed rape upon her after assaulting her. He further submits that there is direct allegation of commission of rape upon the petitioner.

Considering the facts and circumstances of the case and the rival submission of the parties and also the nature of offence, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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