

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38905 of 2023

Arising Out of PS. Case No.-303 Year-2022 Thana- KADWA District- Katihar

Ashish Kumar Mandal Son Of Pankaj Mandal Residnet Of Village -
Gauriganj, Ps- Kadwa, Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 18-10-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

2. The petitioner has prayed for bail in connection with Kadwa P.S. Case No. 303 of 2022 instituted for the offence under Sections 376 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

3. According to the FIR, the petitioner is alleged to have committed rape with the disabled daughter of the informant while she was going to field. Some women heard the sound of the victim who went there and brought to her house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this case due to dirty village politics. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. Moreover, the



petitioner is languishing in judicial custody since 27.1.2023.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that the petitioner is named in the FIR upon whom the specific allegation of rape has been made. The medical report of the victim corroborates the prosecution case by which it appears hymen was torn and doctor opined may have been sexual intercourse. It is further submitted that the victim is mentally disabled against whom, the petitioner committed heinous offence. Moreover, the witnesses of this have also supported the prosecution case.

6. Having heard the learned counsel for the parties and considering the fact that there is specific allegation of rape against the petitioner, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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