

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49628 of 2023

Arising Out of PS. Case No.-75 Year-2023 Thana- JALALGARH District- Purnia

Dipak Kumar Mandal S/O Ashok Kumar Mandal R/O Village- Sanpa, Ps.
Jalalgarh, Dist. Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bijendra Kumar Singh, Advocate
For the Opposite Party/s	:	Md. Fahimuddin, APP
For the Informant/s	:	Mr. Aniruth Mishra, Advocate
	:	Mr. Amit Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-09-2023 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
05.05.2023 in connection with Jalalgarh P.S. Case No. 75 of
2023, F.I.R. dated 04.05.2023 for the offences punishable under
Sections 376, 504 and 506/34 of the Indian Penal Code.

3. According to prosecution case, petitioner is alleged
to have committed rape upon the informant.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
allegation as alleged in the F.I.R. is false and fabricated and he



has not committed any offence.

5. The learned counsel for the informant as well as learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submit that the statement of the victim was recorded under Section 161 of the Cr.P.C., in which she has categorically stated that the petitioner has committed rape upon her and as far as statement of victim under Section 164 of the Cr.P.C. is concerned, it has come in the impugned order itself that the same was recorded in the influence of the father of the petitioner and even the petitioner has categorically stated in the Court proceedings that he has not performed the marriage with the victim.

6. Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail in connection with Jalalgarh P.S. Case No. 75 of 2023 pending in the court of learned Judicial Magistrate – Ist Class, Purnea.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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