

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50529 of 2023

Arising Out of PS. Case No.-100 Year-2023 Thana- RUPAULI District- Purnia

Mantu Mandal, Son of Gheru Mandal, Resident of village - Dubba Tola, P.S. -
Rupauli, Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 16-08-2023 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and the learned Additional Public Prosecutor for the State.

3. The petitioner has preferred this application for grant of regular bail in connection with Spl. (POCSO) Case No. 81 of 2023 (arising out of Rupauli P.S. Case No. 100 of 2023) dated 09.09.2023 registered for the offence punishable under Sections 376 of the Indian Penal Code and Section 4 of the POCSO Act.

4. As per the prosecution case, the petitioner is alleged to have committed rape on the minor daughter of the



informant forcibly in the maize field.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case due to ulterior motive. He further submits that report of the Medical Board indicates that there is no mark of external and internal injuries present on external body parts or anywhere else on the private part of the victim. The petitioner has clear antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 09.04.2023.

6. Learned Additional Public Prosecutor for the State has vehemently opposed the bail petition of the petitioner. He submits that the Medical Board has assessed the age of the victim between 15 to 17 years and the victim has supported the case of the prosecution in her statement recorded under Section 164 of the Cr.P.C.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 7th -cum-Special Judge (POCSO), Purnea, in connection with Spl. (POCSO) Case No.



81 of 2023 (arising out of Rupauli P.S. Case No. 100 of 2023), with the condition that the petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Bhardwaj/-

U		T	
---	--	---	--

