

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55678 of 2023

Arising Out of PS. Case No.-230 Year-2020 Thana- BARARI District- Katihar

RAKESH KUMAR MANDAL @ RAKESH KUMAR Son of Sikandar
Mandal Resident of vill - Kushwaha Tola, Semapur, P.S. - Barari, Distt. -
Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Barari P.S. Case No. 230 of 2020 for the offence punishable under Sections 363, 366(A) of the Indian Penal Code though charge sheet was submitted under section 4 of POCSO Act lodged on 7.9.2020 by the informant, Chanda Devi.

As per the prosecution story, the allegation is that the petitioner raped her after taking her to 'Nani's' house. Accordingly, the FIR.

Learned counsel for the petitioner submits that the occurrence took place on 13.7.2020 whereas the FIR was lodged two months later on 7.9.2020. He was taken into custody very next day on 8.9.2020 (para-16 of the petition) is suffering and



no trial could be concluded.

Learned APP opposes the prayer stating that there is allegation against him.

Considering the fact that there is two months delay in lodging of the FIR, he is young boy of 21 years, no criminal antecedent and has remained in custody for almost three years, on this ground, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-VII, Katihar, in connection with Barari P.S. Case No. 230 of 2020 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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