

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57157 of 2023**

Arising Out of PS. Case No.-27 Year-2023 Thana- MAHILA P.S. District- Bhagalpur

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MUKESH KUMAR @ MUKESH MANDAL son of Sahadi Mandal @
Sahdeo Mandal Village- Ratanpura Ps- Nadi Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh

For the Opposite Party/s : Mr.Md. Mushtaque Alam

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 08-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 354, 354A, 354B, 376
and 511 of the Indian Penal Code.

3. As per FIR, the allegation against the petitioner is
that he entered in the room of the informant and tried to outrage
the modesty and commission of rape with the informant.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case due to
dirty village politics. He has committed no offence. He
submitted that the victim is a major and married lady and there
was the victim's consent so the petitioner went to her in night.
The statement made by the petitioner may be verified by the call



details, which took place between the accused and the victim. He further submitted that the victim refused to be examined medically and ha asserted that no force or assault was inflicted upon her in absence of medical corroboration, hence, the whole prosecution case fails. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 20.06.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Mahila P.S. Case No. 27 of 2023.

(Sunil Kumar Panwar, J)

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