

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62213 of 2023**

Arising Out of PS. Case No.-728 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

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BALA MANDAL @ PRADEEP KUMAR MANDAL S/O MEGHU
MANDAL @ RAMJI MANDAL VILLAGE- RAM BAIRAI, PS- SADAR,
DIST- DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saurav Anand, Adv.

For the Opposite Party/s : Mrs.Usha Kumari 1, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 376(D), 323, 504, 506/34 of the Indian Penal Code, Sections 4, 6 & 8 of POCSO Act and Sections 3(2)(va), 3(i)(r), 3(i)(s) of the Prevention of Atrocities (SC/ST) Act.

3. Allegedly, petitioner is said to have helped one Mukesh Kumar in committing rape upon the informant's sister.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been



falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is specific allegation against co-accused Mukesh Kumar. The statement of the victim has been recorded under Section 164 Cr.P.C. in which she has not levelled any allegation against the petitioner. It is further submitted that after investigation, the police has filed final form against the petitioner, but differing from the final form, learned Court below took the cognizance against him. Similarly situated co-accused have been enlarged on bail by a co-ordinate bench of this court vide order dated 21.08.2023 passed in Cr. Misc. No. 54139 of 2023. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as the police has filed the final form against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection



with Sadar P.S. Case No. 728 of 2022, subject to the condition
as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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