

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64747 of 2023

Arising Out of PS. Case No.-25 Year-2023 Thana- TIKAPATTI District- Purnia

Ranjan Mandal @ Ranjan Kumar Mandal Son Of Umesh Mandal Resident Of
Village - Wadhwa, P.S. - Tikapatti, District - Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-10-2023 Heard Mr. Bhola Prasad, learned counsel appearing on
behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Tikapatti P.S. Case No. 25 of 2023, registered for the
offences punishable under Section 376 (D) of the Indian Penal
Code and Section 4/6 of the POCSO Act.

3. The allegation against the petitioner is of
committing rape upon the victim girl, aged about 17 years,
along with two other accused persons.

4. Learned counsel appearing on behalf of the
petitioner submits that the FIR narrates the entire incidence and
it appears from it that while the accused persons, including the
petitioner were fleeing from the place of occurrence, the Up-



sarpanch of the Panchayat had seen them, but surprisingly, during the course of investigation, he has not stated anything about the petitioner and others. He further drew the attention of this Court to the injury report and with reference thereto, he submits that there is no mark of external and internal injuries and, as such, the allegation that three persons have committed rape upon the victim does not inspire confidence. He next submitted that, furthermore, the age of the victim girl has been assigned in between 18-20 years and, as such, no offence much less under any of the provisions of the POCSO Act would be applicable. He lastly submits that in fact the present case is nothing but an outcome of a village dispute, to settle the score by implicating the name of the petitioner.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that even in order to bring home the charge of commission of rape, there is no need of proof of any injuries sustained to the victim. That apart, from the impugned order, *prima facie*, it suggests that the victim has supported the prosecution case in her statement recorded under Sections 161 and 164 Cr.P.C.

6. Considering the nature of allegation and the order passed by the learned Sessions Judge disclosing the fact that the



victim has supported the prosecution case in her statement recorded under Sections 161 and 164 Cr.P.C., this Court does not find any merit in the present application, seeking prayer for anticipatory bail.

7. Accordingly, the present bail application stands rejected.

(Harish Kumar, J)

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