

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71267 of 2023

Arising Out of PS. Case No.-223 Year-2023 Thana- BABUBARHI District- Madhubani

Manoj Kumar Mandal, Son of Hiralal Mandal, Resident of Village - Barha,
Bikramser, Police Station- Babubarhi District -Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Babubarhi P.S. Case No. 223 of 2023, registered for the alleged offence under Section 376 of the Indian Penal Code.

3. As per prosecution case, the petitioner committed rape with the informant.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. It is apparent from the FIR that for an occurrence dated 12.07.2023, the FIR was lodged on 14.07.2023 and there is no satisfactory explanation for such delay. The informant's father-in-law and



the petitioner's father are brothers and the husband of the informant and this petitioner are cousins. There is land dispute between the parties and for this reason, the informant lodged this false and fabricated case. The medical report shows there was no evidence of rape. The petitioner is in custody since 15.07.2023 and is having clean antecedent. The charge sheet has been submitted.

5. Learned APP opposes the submissions made on behalf of the petitioner. The learned APP submits that the medical report is immaterial since the occurrence took place on 12.07.2023 and the medical examination was done on 15.07.2023. There is direct and specific allegation against the petitioner.

6. In view of serious nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail.

7. Accordingly, his prayer for bail is rejected.

8. However, learned trial court is directed to expedite the trial and conclude the same within nine months.

(Arun Kumar Jha, J)

V.K.Pandey/-

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