

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26044 of 2024

Arising Out of PS. Case No.-201 Year-2023 Thana- SIKTI District- Araria

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Dheeraj Kumar Mandal @ Dheeraj Kr. Mandal Son of Sugam Lal Mandal
R/o Village- Muraripur, Ward No.10, P.S.- Sikti, District- Araria (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sona Kumari D/o Kashinath Mahtha R/o Village- Nemua, Pipra, Ward No.2,
P.S.- Sikti (Bardaha), District- Araria

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 07-05-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Sikti
(Bardaha) P.S. case No. 201 of 2023, corresponding to S.T. No.
55 of 2024 instituted for the offences under Section 376 of the
Indian Penal Code.

3. Prosecution case, in short, is that petitioner
established physical relationship with the victim (informant) on
the false pretext of marriage.



4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case due to dirty village politics. Learned counsel further referring to paragraph no. 64 of the case diary contended that as per the medical report, there is no sign of recent sexual assault. He further submitted that doctor has assessed the age of the victim more than 18 years. It has been submitted on behalf of the petitioner that the petitioner is in custody since 29.07.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that victim in her statement recorded under Section 164 of the Cr.P.C. has fully supported the allegations as levelled in the FIR. Learned APP further contended that this petitioner made physical relations with the victim and as a result of which she became pregnant and in support of his contention, he referred the ultra sound report of the victim which corroborates the case of the prosecution. Learned APP lastly submitted that there is ample material on record which clearly establishes the involvement of the petitioner in the crime and, therefore, the petitioner does not deserve the privilege of bail.

6. Having considered the submissions canvassed by



the parties, medical report of the victim and the statement of the victim recorded under Section 164 of the Cr.P.C., I am not inclined to grant bail to the petitioner.

7. Prayer is rejected.

8. Further, direction is given to the trial court to expedite the trial and conclude the same preferably within a period of one year.

9. However, liberty is granted to the petitioner to renew his prayer for bail if the trial is not concluded within the stipulated period of one year.

(Rudra Prakash Mishra, J)

Alok Verma/-

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