

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38655 of 2024

Arising Out of PS. Case No.-145 Year-2024 Thana- SHERGHATI District- Gaya

Krishna Mandal S/o Raj Kumar Mandal R/O VILLAGE PINDRA KHURD
PS BAHERA DIST GAYA

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanju Kumari D/o Anil Das R/o vill - Pindra Khurd, P.S. - Bahera, Distt. - Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh
For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 04-10-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 376D and 34 of the Indian
Penal Code and Sections 4 and 8 of POCSO Act.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that on 24-2-2024 at 6 PM, she had gone to attend call of
nature when Pradip and petitioner caught her and Pradip
committed rape, thereafter they took her to the house of Sunil
Das, further Sunil Das on the next day called her cousin brother
Vishal and informed that his cousin brothers have brought the



victim to his house, next alleges that 24-2-2024 when accused persons were acting forcefully with her, the said fact was witnessed by Rekha and Usha.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that mother of the petitioner has instituted Dhobhi PS Case No. 831 of 2023 against family members of the informant under Sections 376, 376B of the IPC read with Sections 4 and 6 of the POCSO Act. It is next submitted that even presuming what has been alleged is true without admitting then the petitioner is not alleged to have committed the rape. It is also submitted that the allegation as alleged in the FIR does not inspire confidence for the reason that had Rekha and Usha witnessed the occurrence in any manner then definitely they would have informed the family members of the informant, but then from perusal of the FIR, it manifests that informant alleges that it was Sunil who informed her family members on the next day and thereafter she went to her house. It is also submitted that petitioner is in custody since 27-2-2024.

5. Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.



6. Considering the submission made by learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sherghati (Bahera O.P.) P.S. Case No. 145 of 2024.

(Satyavrat Verma, J)

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