

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61803 of 2024

Arising Out of PS. Case No.-166 Year-2023 Thana- DHAMDAHA District- Purnia

Ganori Mandal @ Ganori Kumar Son of Opee Mandal R/O Vill.- Chhoti
Ithari, P.S.- Dhamdaha, Dist.- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manjula Devi Wife of Genu Mandal R/O - Chhoti Ithari, Ward no.14, P.S.-
Dhamdaha, Dist.- Purnia.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Niraj Kumar, Adv. Mr. Saloni Sinha, Adv.
For the State	:	Mr. Sanjay Kumar Pandey, APP
For the O.P. No.2	:	Md. Hussain, Adv.

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

ORAL ORDER

3 18-11-2024 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with

Dhamdaha P.S. Case No. 166 of 2023 instituted for the

offences under Section 323, 376 of the Indian Penal Code

and Section 8/12 of the POCSO Act.

3. As per prosecution case, the accusation against the

petitioner is of committing rape with the 14 years old daughter

of the Informant on the false pretext of marriage. It is also

alleged that the petitioner started having physical relations with



the victim girl for the last one year. It is again alleged that when the victim girl became pregnant, the petitioner fed her abortion pills for miscarriage.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to village politics. He submits that about four months after the *Panchayat* which was held on 12.04.2023, the complaint was filed on 20.07.2023 and, thereafter, present F.I.R. was instituted on 01.08.2023 which creates doubt in the prosecution case. He further submits that the statement of the victim girl made under Section 161 Cr.P.C. before the police does not corroborate the prosecution case as the petitioner never run any coaching institute. He further submits that when the police visited the Informant's daughter for medical examination, the girl refused to get examined which creates doubt in the prosecution case. He submits that as a matter of fact the Informant took some money from the petitioner's father but, when the said amount was not returned and the money was demanded then the present false case was registered by the Informant. The petitioner has no criminal antecedent and is languishing in judicial custody since 01.07.2024 without any



rhymes or reason.

6. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the victim girl, in her statements made under Sections 161 and 164 of the Cr.P.C., has fully corroborated the allegations made against the petitioner in the F.I.R. though she refused for the medical examination. The allegation levelled against the petitioner is serious in nature and, hence, he does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Dhamdaha P.S. Case No. 166 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.



(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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