

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69037 of 2023

Arising Out of PS. Case No.-676 Year-2023 Thana- FORBESGANJ District- Araria

Tara Nand Mandal Son Of Late Thithar Mandal Resident Of Village -
Khamkol Amhara, Ward No.1, P.S. - Forbesganj, District - Araria
... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in a case in connection with Forbesganj P.S. Case No. 676 of 2023, registered for the offences punishable under Sections 341, 323, 504, 506, 376 of the Indian Penal Code and Section 4 of the POCSO Act.

3. As per F.I.R., allegation against the petitioner is that he committed rape with the victim, the statement of victim was recorded under Section 164 Cr.P.C. in which she supported the prosecution case.

4. It is submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Petitioner has got no criminal antecedent mentioned in Para 3 of the bail application. He further submits that the victim is not minor because doctor has opined her age 18 to 20 years.



He further submits that the petitioner is aged about 73 years and dispute between the parties is that the Jahari Devi, daughter-in-law of the petitioner lodged a Complaint Case No. 1542/2023 before the learned C.J.M., Araria against the informant and his family members. Thereafter, the present case was lodged against the petitioner. There is delay of three days in lodging the F.I.R.

5. Learned APP for the State has opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case and also considering the age of the petitioner, and the medical report has not supported the prosecution case regarding sexual assault, let the above named petitioner, be released on bail, in the event of his arrest, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/ successor Court in connection with Forbesganj P.S. Case No. 676 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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