

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84753 of 2023

Arising Out of PS. Case No.-87 Year-2023 Thana- DHOLBAJJA District- Bhagalpur

Arun Mandal @ Benga Mandal, son of Chulahay Mandal, resident of Village-
Lakshminiya Kadwa, P.S- Dholbajja, Distt.- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 19-03-2024 Heard learned counsel for the petitioner and learned
APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Dholbajja (Kadwa) P.S. Case No.87 of 2023 registered for the
offence punishable under Sections 452, 376, 504 and 323 of the
Indian Penal Code.

3. The petitioner is alleged to have committed
rape upon the informant, who is aged about 34 years. The
petitioner is in custody since 19.08.2023.

4. It has been submitted by learned counsel for
the petitioner that the prosecution story seems to be improbable
as it has been alleged in the F.I.R. that the informant was
sleeping with her child and at that time her husband was also
sleeping outside the house. He further submits that it is a



consensual sex between the petitioner and the informant and when the husband caught them in sexual act, this false case has been lodged by the informant.

5. Considering the aforesaid submissions of learned counsel for the petitioner as well as the period of custody of the petitioner, this application is allowed.

6. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Naugachia, District- Bhagalpur/concerned Court, in connection with Dholbajja (Kadwa) P.S. Case No. 87 of 2023.

(Sandeep Kumar, J)

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