

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31357 of 2025

Arising Out of PS. Case No.-115 Year-2024 Thana- NADI District- Supaul

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Vikash Kumar Mandal @ Vikash Kumar, aged about 22 years, Male, S/o
Ramesh Kumar Mandal @ Ramesh Kumar @ Ramesh Mandal, R/o vill -
Belhi, Ward No. 1, P.S. - Supaul Nadi, Distt.- Supaul

... .. Petitioner

Versus

1. The State of Bihar
2. XXX (hidden), aged about 18 years, Female, D/o Late Soman Gosai, R/o vill - Belhi, Ward No. 2, P.S.- Supaul Nadi, Distt.- Supaul

... .. Opposite Parties

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Appearance :
For the Petitioner : Mr. Nafisu Zzoha, Advocate
For the O.P. No. 2 : Mr. Kuldeep Kumar, Advocate
For the State : Mr. Jitendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 10-09-2025 Heard learned counsel for the petitioner, learned

counsel for the opposite party no. 2 and learned A.P.P. for the

State.

2. The petitioner seeks bail in connection with Supaul

Riverine P.S. Case No. 115 of 2024 dated 25.12.2024 registered

for the offences punishable under Sections 64, 76, 126(2), 352,

351(2), 127(2) of the B.N.S., 2023 and Sections 4 and 6 of the

POCSO Act.

3. As per the prosecution case, on 25.10.2024 at about



11-12 P.M., the petitioner is alleged to have entered the house of the victim and forcibly committed rape on her. On alarm raised by the victim, the petitioner shut the door of the house. It is further alleged that the family members of the victim told him to open the door but the petitioner did not allow the victim to open the door. Thereafter, anyhow, the door was opened and thereafter the people of the society caught hold of the petitioner and married him with the victim. It is further alleged that the petitioner and his family members refused to keep the victim with them. It is further alleged that on 28.10.2024, a social panchayati was held in which the petitioner confessed his guilt but he refused to obey the instructions of the Panchayat. It is further alleged that on the same day i.e., 28.10.2024 at about 8.00 P.M., the petitioner alongwith other co-accused persons armed with lathi, bhala and farsa came to the house of the victim and abused and threatened that if the victim would file the case then her whole family members would be killed and thereafter the petitioner alongwith the other accused persons caught hold of the mother of the victim, dragged her on the ground, assaulted her with fists and slaps, punched and disrobed her and also thrashed Lalan Gosai, the brother of the victim. It is further alleged that on the alarm raised, the nearby people



assembled there and saved the mother and brother of the victim.

It is further alleged that as per the educational certificate and Aadhar Card of the victim, her date of birth is 01.11.2006 which is less than 18 years, hence, the victim is still minor.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner was forcibly abducted by the family members of the victim and tried to solemnize marriage forcibly and on refusal, the victim has lodged the present false case against the petitioner and his family members for which the father of the petitioner had lodged a complaint case bearing Complaint Case No. 1170 of 2024 which came to be registered as an F.I.R. under Section 156(2) of the Cr.P.C. as Supaul Nadi P.S. Case No. 116 of 2024 against the brother of the victim and his family members, annexed as Annexure-2 to the present bail petition. The real fact is that both parties are the same residents and there was love affair between them but their caste is different but the family adjustment is not excitable due to which the negotiation of marriage is not being taken place. It is further submitted that the alleged occurrence took place on 25.10.2024 and the complaint bearing Complaint Case No. 17C of 2024 was filed on



29.10.2024 which came to be registered as an F.I.R. under Section 156(2) of the Cr.P.C. as Supaul Nadi P.S. Case No. 115 of 2024 on 25.12.2024 and there is delay of four days in lodging the complaint case and thereafter the present F.I.R. was lodged after a delay of two months and four days and no explanation for such delay has been given by the prosecution. It is further submitted that the victim is a major girl but the school leaving certificate issued by the Principal of Adarsh Madhya Vidyalay, Belhi, Marauna, Supaul, in which her date of birth is 01.11.2006 and accordingly, at the time of the alleged occurrence, the victim was only seven days less than attaining her majority of 18 years. It is further submitted that the victim was medically examined by the doctor and the doctor has opined 'No any sign of physical assault found but rape cannot be ruled out'. The doctor has further opined 'No spermatozoa found either living or dead ' and the age of the victim has been determined by the doctor is between 18 to 20 years. It is further submitted that the petitioner is a student of Intermediate and he belongs to a respectable family of the society. It is further submitted that the victim in her statement recorded under Section 180 of B.N.S., 2023 has stated that the petitioner has forcibly committed rape on her after entering her house in the night but the victim in her



statement recorded under Section 183 of the B.N.S., 2023 has only stated that the petitioner has committed rape on her after entering her house in the night, hence, there is contraction in both the statements of the victim recorded under Sections 180 and 183 of the B.N.S., 2023. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. The petitioner is in custody in this case since 15.02.2025.

5. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have vehemently opposed the bail petition of the petitioner and have submitted that the petitioner is named in the F.I.R. Learned counsel for the opposite party no. 2 has further submitted that the petitioner has forcibly committed rape on the victim after entering her house in the night and the marriage of the petitioner and the victim has been solemnized by the social Panchayat but the petitioner and his family members refused to obey the instructions of the Panchayat and kept the victim in their house.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned District and



Additional Sessions Judge-cum-Special Judge, POCSO Act,
Supaul in connection with Supaul Riverine P.S. Case No. 115 of
2024 with further condition:-

(I) The petitioner is directed to remain
physically present before the learned court
below on each and every date, failing which
on two consecutive dates without reasonable
cause, the bail bonds of the petitioner are
liable to be cancelled.

7. The application stands allowed.

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(Chandra Prakash Singh, J)

