

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33682 of 2025

Arising Out of PS. Case No.-111 Year-2025 Thana- AMARPUR District- Banka

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Mukesh Kumar Mandal @ Mukesh Kumar S/O Deepnarayan Mandal
Resident of Village-Gangti (Sonudih), P.S- Gouradih, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. S. K. Lal, Sr. Advocate
		Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s :		Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 03-09-2025 Heard learned senior counsel for the petitioner and

learned APP for the State.

02. In the present case, the petitioner seeks bail in connection with Amarpur P.S. Case No. 111 of 2025 registered for the alleged offences under Sections 64(1) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, the informant went to the house of one of her relatives after getting treatment of her husband where she was introduced to the petitioner who was a *Tantrik* and who could cure her husband of his illness. On the assurance of curing her husband and at the instance of the petitioner, the informant accompanied him to a secluded place where the petitioner committed rape with her.

04. Learned senior counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in



this case. From the FIR and subsequent investigation, it appears that the informant claimed that she was gagged by a cloth but none of the witnesses who came there stated anything about the cloth. Learned senior counsel further submits that if rape was committed, there ought to some injuries but no injury mark was found. The informant also failed to properly identify the place where the rape was committed. Learned senior counsel further submits that there is confusion even in the statement of the informant recorded under Section 183 of BNSS as she has stated, in same breath, that the petitioner tried to outrage her modesty and also committed rape. Learned senior counsel further submits that from the investigation made in the case, it appears to be a case of outraging the modesty and not for commission of rape. Learned senior counsel also submits that the medical report does not show any rape was committed as opinion was kept reserve. Learned senior counsel further submits that the petitioner has been falsely implicated as his father has extended a loan of Rs. 50,000/- to the informant for treatment of her husband and in order to grab the money, she has filed this false case. Learned senior counsel further submits that father of the petitioner filed Complaint Case No. 226 of 2025 against the informant and others before the court of learned



CJM, Bhagalpur. Charges have been framed against the petitioner. The petitioner is in custody since 01.03.2025 and he is having clean antecedent.

05. Learned APP for the State vehemently opposes the prayer for bail. Learned APP submits that there is specific allegation in the FIR as well as in the statement made by the informant under Section 183 of BNSS. The informant has consistently stated that the petitioner committed rape with her. Learned APP further submits that the petitioner was caught after his act and he was beaten by the public and this also shows he was involved in commission of rape upon the informant.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the serious nature of allegation, I am not inclined to enlarge the petitioner on bail. Hence, his prayer for bail is **rejected**.

07. The trial court is directed to expedite the trial and conclude the same at the earliest.

(Arun Kumar Jha, J)

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