

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56959 of 2024

Arising Out of PS. Case No.-38 Year-2023 Thana- MAHILA P.S. District- Madhepura

Indranand Kumar Son of Mantu Mandal R/V- Village- Chatanama, Ward No.-
06, P.S.- Puraini, Distt.- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Geeta Kumari D/o Subhash Singh R/o Village-Chatanama, Ward no.-06,
P.S.-Puraini, District-Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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

ORAL ORDER

6 20-01-2025 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with
Madhepura Mahila P.S. Case No. 38 of 2023, instituted for the
offences punishable under Sections 341, 376, 506 of the Indian
Penal Code and Section 4/6 of POCSO Act.

3. The prosecution case, in short, is that, the petitioner
forcibly took the informant to a hut and committed rape upon
her. It is further alleged that the petitioner threatened the
informant for dire consequences if she discloses this incident to
anyone.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submits that there is delay of two days in lodging the FIR. It is further submitted that as per medical report of the victim girl mentioned in paragraph no. 41 of the case diary, it transpires that there is no any recent sign of intercourse present at the time of examination. The petitioner is in custody since 15.12.2023 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is also submitted that the petitioner is sole accused in this case and the informant in her statement recorded under Section 164 Cr.P.C. has levelled specific allegation against the petitioner of committing rape upon her and of threatening her. Hence, the petitioner does not deserve the privilege of bail.

6. As per Trial Court report dated 09.12.2024 it transpires that seven charge-sheeted witnesses including victim, I.O. & M.O. have already been examined and the prosecution evidence has been closed. Thereafter, the statement under Section 313 Cr.P.C. of the accused is recorded. The record is



currently running at the stage of defence evidence.

7. Considering the aforesaid facts and circumstances of the case, the above stage of the trial, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

8. The prayer is rejected. The trial Court is directed to expedite the Trial expeditiously.

(Rudra Prakash Mishra, J)

Rajorshi/-

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