

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74495 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- Rangara District- Bhagalpur

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Bajo Mandal @ Bajrangi Mandal @ Bajrangi, Male, aged about 76 years, Son of Late Sindho Mandal, Resident of Vill- Bhimdas Tola, P.S.- Rangra, District- Bhagalpur

... .. Petitioner

Versus

1. The State of Bihar
2. Kavita Devi, Female, age-55years, W/O Bilchi Mandal, Resident of Vill- Bhim Das Tola, P.S.- Rangra, District- Bhagalpur.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Swapnil Kumar Singh, Advocate
For the State	:	Mr. Damodar Prasad Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

7 14-05-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State. No one appears on behalf of the opposite party no. 2.

2. The petitioner seeks bail in connection with Rangra P.S. Case No. 24 of 2024 dated 08.05.2024 registered for the offences punishable under Section 376 of the I.P.C. and Section 4 of the POCSO Act.

3. As per the prosecution case, on 07.05.2024 at about 10.00 A.M., the petitioner is alleged to have entered the house of the informant and committed rape on her minor daughter.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the



present case. The petitioner and the informant are close door neighbourers. The petitioner is aged about 76 years old and at 10.00 A.M., at that time several persons were present in the locality at that time so it is difficult for anyone to commit rape. It is further submitted that it has come in the case diary that there was she-goat dispute between the petitioner and the informant as she-goat of the informant used to enter the field of the petitioner and ate the vegetables of the field of the petitioner. The victim has been medically examined and the doctor has not found any injury on the person of the victim nor on the private part nor spermatozoa which shows that the allegation of committing rape is false and fabricated. It is further submitted that as per the radiological report, the age of the victim was found in between 17-19 years, hence, the case does not come under the ambit of POCSO Act. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 09.05.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner and has submitted that the petitioner is named in the F.I.R. and he entered the house of the informant and committed rape on her minor daughter. It is further submitted that the victim in her statement



recorded under Section 164 of the Cr.P.C. has supported the prosecution case. The victim is a minor girl.

6. Considering the aforesaid facts and circumstances and the nature of accusation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Rangra P.S. Case No. 24 of 2024, pending in the court of learned Exclusive Special Judge (POCSO)-cum-7th Additional District and Sessions Judge, Bhagalpur.

7. The application stands rejected.

8. The learned trial court is directed to expedite the trial of the petitioner and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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