

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83612 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- Rangara District- Bhagalpur

Ritesh Kumar Mandal Son of Anil Mandal R/o vill- Bhim Das Tola , P.S
-Rangra Distt.- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neha Kumari D/O Manoj Sah R/O Vill.- Bhimdas Tola, PS.- Rangra, Dist.- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vivekanand Vivek, Adv.
For the Opposite Party/s	:	Mr.Umanath Mishra, APP
For the Informant	:	Mr. Ashok Kumar No.6, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 24-02-2025 Heard learned counsel for the petitioner and learned APP for the State as also learned counsel for the Informant. Perused the case diary.

2. The petitioner seeks bail in connection with Rangra P.S. Case No. 06 of 2024/POCSO Case No. 74 of 2024 instituted for the offences under Section 354(B) of the I.P.C. Later on, Section 376/511 of the of the Indian Penal Code and Section 4/18 of POCSO Act were added.

3. As per prosecution case, the accusation against the petitioner is of attempting to commit rape upon the Informant who is a minor.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in the present case with false and frivolous allegations. The petitioner has not committed any offence as alleged in the F.I.R. He further submits that in the *fardbeyan*, the victim girl has disclosed her age as 13 years but, the I.O. has found her age at 15 years according to her school record. There is no medical report of the victim as she has denied for her medical examination. Both the statements of the victim girl recorded under Sections 161 and 164 Cr.P.C. are contradictory to each other which creates doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 08.04.2024 without any rhyme or reason.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. He further submits that there is direct and specific allegation of attempt to commit rape and sexual assault against the petitioner. The Informant in the re-statement contained in Para-5 and witnesses in Para 8, 18 and 19 of the case diary have supported the prosecution case. The petitioner is named in the F.I.R. and, hence, he does not deserve bail. Charge-sheet has been submitted in this case.



6. Learned counsel for the Informant submits that out of total five witnesses, three witnesses have already been examined and the trial is on the verge of its conclusion.

7. Having heard learned counsel for the parties and considering the nature and gravity of the offence and the statement of the victim girl recorded under Section 164 Cr.P.C. as also taking into account that the trial is at an advance stage, this Court is not inclined to grant bail to the petitioner at this stage.

8. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously. If the trial is not concluded within the aforesaid period of two months, the petitioner will be at liberty to renew his prayer for bail before the court below which will be decided on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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