

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1057 of 2025

Arising Out of PS. Case No.-193 Year-2024 Thana- BARARI District- Katihar

Sanni Kumar Mandal @ Sunny Mandal S/O Sikandar Mandal Resident of
Village- Marghiya Kadar Tola, PS- Barari, District- Katihar

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. X S/O Dayanand Mandal Through her Legal Guardian Namely Dayanand Mandal, S/O Mahendra Mandal R/O Village- Marghiya Kadar Tola, P.S.- Barari, District- Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate Mr. Indrajeet Kumar, Advocate
For the State	:	Mr. Choubey Jawahar, APP
For the Informant	:	Mr. Najeeb Ahmad, Advocate Mr. Thakur Brajesh Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 309-04-2025
1. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant.

2. The petitioner has preferred this application for grant of regular bail in connection with Barari P.S. Case no.193 of 2024 registered under section 376 of the Indian Penal Code and sections 4 and 6 of the POCSO Act.

3. As per the prosecution case, the informant states that the petitioner used to give proposal for marriage which was turned down by the informant stating that how could she marry him when he was married from before. On this it was stated that he used to say that he would leave the first wife. Thereafter, the



informant states that on the date of occurrence, the petitioner committed rape on her.

4. Learned counsel for the petitioner submits that the petitioner, who is a major, has been falsely implicated in the case. The relationship, if any, between the parties were consensual and it is for this reason that the F.I.R. was registered after an inordinate and unexplained delay of 12 days. In the medical examination conducted, the age of the victim was estimated to be 20-21 years and the medical report does not support the prosecution case. There is no application of POCSO Act and the petitioner who is in custody since 23.6.2024 undertakes to cooperate in the investigation/trial.

5. The prayer for bail is opposed by learned A.P.P for the State and learned counsel for the informant. Learned counsel for the informant submits that the informant who was a minor was raped by the petitioner. It is further submitted that on investigation cognizance has been taken under section 376 of the Indian Penal Code as also sections 4 and 6 of the POCSO Act and the victim has supported the prosecution case in her statement under section 164 of the Cr.P.C. The date of birth of the victim in her certificate issued by the Bihar School Examination Board shows her to be a minor.



6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R. wherein he is described to have committed raped on the informant, the material that has transpired in course of investigation on the basis of which cognizance has been taken besides section 376 of the Indian Penal Code also under various sections of POCSO Act, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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