

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2924 of 2026

Arising Out of PS. Case No.-230 Year-2024 Thana- KURSAILA District- Katihar

Badal Kumar son of Pramod Mandal, Resident of village- Nawabganj, Purab Tola, PS- Kursela, Distt- Katihar

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Mahendra Mandal son of Late Ram Mandal Resident Of Village- Sukhpur, Purab Tola, Ward no. 15, Ps- Kursela, Dist- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-01-2026 Heard the parties.

2. This is the second attempt made on behalf of the petitioner, as earlier the prayer for bail of the petitioner was turned down by this Court vide order dated 06.08.2025 passed in Cr. Misc. No.31495 of 2025, taking into account the statement of the victim as well as the medical report, which *prima facie* suggests that she was subjected to rape.

3. Learned Advocate for the petitioner submitted that while negating the prayer for bail of the petitioner, a liberty was extended to renew his prayer for bail after recording the evidence of the victim in trial. It is categorically submitted that now the statement of the victim has already been recorded on



17.12.2025, however, she has made contradictory statement. It is further contended that be that as it may, now the petitioner has been incarcerated since 21.12.2024, and till date out of eight witnesses only two of them have been examined; hence, there is no likelihood of the conclusion of trial in near future.

4. On the other hand, learned Advocate for the State submitted that serious allegation has been levelled against the petitioner of committing rape upon the victim and, as such, the petitioner does not deserve the privilege of bail.

5. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the fact that now the statement of the victim has already been recorded and till date, out of eight witnesses only two of them have been examined and there is no likelihood of the conclusion of trial and he has been incarcerated since 21.12.2024, besides the petitioner bears fair antecedent as also the liberty given to him to renew his prayer for bail after examination of the victim, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned District Additional Sessions Judge-VI-cum-Special Judge, POCSO, Katihar in connection with G.R. No.6427 of 2024 arising out of Kursela P.S. Case No. 230 of



2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further following conditions:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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