

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83070 of 2025

Arising Out of PS. Case No.-261 Year-2025 Thana- ALAMNAGAR District- Madhepura

Subhash Mandal @ Kailu S/o Late Bishnudev Mandal R/o Village - Auradih,
Ward no. 09, P.S - Alamnagar, District - Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mira Devi W/o Late Ramswarup Mandal R/o Village - Auradih, Ward no. 09, P.S - Alamnagar, District - Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 11-03-2026 Heard learned counsel for the petitioner and learned APP
for the State. Despite valid service of notice, none appears on behalf
of the opposite party no.2.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 64(1), 65(2) of the B.N.S. and
Sections 4 and 6 of the POCSO Act.

3. As per the prosecution case, the petitioner is alleged
to have committed rape upon the victim.

4. The learned counsel for the petitioner submits that
the petitioner, who is an old man of about 60 years of age, has
falsely been implicated in the present case as there was prior enmity
between the families of the informant and the petitioner. It is further
submitted that the medical examination report of the victim which
was conducted on the same day i.e. on 16.08.2025 does not indicate
any injury on her body and no spermatozoa was also found in the
vaginal swab, which would be evident from the medical



examination report. On the strength of such medical report, it has been submitted that no such occurrence ever took place and the petitioner has been falsely implicated. The petitioner is in custody since 18.08.2025.

5. Learned APP for the State opposed the grant of bail on the ground that the victim is the minor girl of about 10 years of age and in her statement recorded under Section 183 of the B.N.S.S., she has completely supported the case of the prosecution.

6. Taking into consideration the facts and circumstances and especially considering the statement of the victim under Section 183 of the B.N.S.S., this Court is not inclined to grant the privilege of bail to the petitioner at this stage. Accordingly, the prayer for bail of the petitioner is hereby rejected in connection with Alamnagar P.S. Case No.261 of 2025.

7. However, if substantial progress is not made in the case in a period of another six months, the petitioner would be at liberty to renew his prayer for bail. It is however clarified that the Court concerned would proceed expeditiously without giving any unnecessary adjournments.

(Soni Shrivastava, J)

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