

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35445 of 2020

Arising Out of PS. Case No.-136 Year-2019 Thana- BHAWANIPUR District- Purnia

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DHANANJAY MANDAL @ BOKU S/o Late Brahamdeo Mandal Resident
of Village- Raypura Yadav Tola, P.S.- Bhawanipur, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Mallick, Adv.

For the Opposite Party/s : Mr. Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-12-2020 Heard Mr. Pramod Kumar Mallick, learned counsel
for the petitioner and Mr. Rajesh Kuma, Additional Public
Prosecutor for the state through video conferencing.

2. Petitioner seeks regular bail in connection with
Bhawanipur PS Case No. 136/2019 registered for the offence
punishable under Section 376 of the IPC.

3. The allegation, as per First Information Report, is
that the informant had gone to the temple leaving behind his
wife and younger sister in his home and the petitioner taking
advantage of the fact that wife of the informant was alone, took
her forcibly in the banana field and committed rape upon her.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case and he has not
committed any offence in the manner alleged. Learned counsel
further submits that the FIR is highly improbable, inasmuch as,



the petitioner has, allegedly, committed rape in a broad day light in the village and, it is strange that nobody has seen the occurrence. Learned counsel next submits that medical examination of the victim lady was conducted on 12.08.2019 and the doctor has not found any sign of rape. Learned counsel relying upon the statement of the victim lady recorded under Section 164 CrPC, submits that she has given the statement under pressure and falsely implicated the petitioner in the present case of rape.

5. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that the statement of the prosecutrix was recorded under Section 164 CrPC, in which she has, categorically, stated that the petitioner has committed rape upon her, I am not inclined to grant regular bail to the petitioner. The same is, hereby, rejected.

6. However, petitioner, if so advised, may renew his prayer for bail after one year from today, if the trial does not show any progress.

(Anil Kumar Sinha, J)

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