

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8526 of 2023

Arising Out of PS. Case No.-72 Year-2022 Thana- MAHILA PS District- Darbhanga

Anarudh Mandal @ Anirudh Mandal S/O Late Moti Mandal Resident Of
Village- Bhalpatti, P.S.- Sadar, District- Darbhanga. Bihar- 847239

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sagar Suman

For the Opposite Party/s : Mr. Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in Darbhanga P.S.
Case No. 72 of 2022 registered for the offences punishable under
Sections 376, 313, 511, 506 of the Indian Penal Code, Section 4/6
of the Protection of Children from Sexual Offence Act and under
Section 67-A of the Information Technology Act, pending in the
Court of learned Special Judge (POCSO) Darbhanga.

As per the prosecution case, when the grandmother of
the victim went to visit Vaishno Devi Temple. The victim was
along in her house alongwith her siblings. At the same time, the
petitioner visited the house of the victim for plumbing work and
they acquainted each other. It is further alleged that the petitioner
took toxic cold drink for victim and offered her. The victim drank
it and became unconscious. After that petitioner committed
penetrative sexual assault with her and also took obscene photo
and made video of victim.



Learned counsel for the petitioner submits that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He further submits that the occurrence took place on February 2022 but the FIR was lodged against the petitioner after eight months, when the physical appearance of the victim changed. Petitioner is 68 years old. The petitioner has got no criminal antecedent as mentioned in para-3 of the bail application.

Learned APP for the State vehemently opposing the bail petition submitted that the victim in her statement under Section 164 of the Cr.P.C., has supported the prosecution case and the victim was minor, her date of birth is 16.01.2006. Hence, he does not deserve privilege of anticipatory bail.

Considering the facts and circumstances of case and the fact that the victim is minor, I am not inclined to enlarge the petitioner on anticipatory bail.

The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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