

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43332 of 2017

Arising Out of PS.Case No. -78 Year- 2017 Thana -SANOKHAR District- BHAGALPUR

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Ranjeet Mandal @ Ranjeet Kumar Manda,l Son of Upendra Mandal,
resident of Village- Tulsipur, P.S.- Sanokhar , District- Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Davendra Kumar Pandey, Advocate

For the Opposite Party: Mr. Jitendra Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 17-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 07.06.2017 in connection with Sanokhar P.S. Case No. 78 of 2017 (G.R. No. 2318 of 2017) for the offences alleged under Sections 366A/34 of the Indian Penal Code and Section 3/4 of the POCSO Act.

3. It is submitted that the petitioner has been falsely implicated and there is inordinate delay of ten days in institution of the first information report on 02.06.2017 for the alleged occurrence of 24.05.2017.

4. It is further submitted that in any event, the ingredients of the offence as alleged are not made out against the petitioner. In the deposition of the victim girl under Section 164 of the Code of Criminal Procedure, she has stated that she wants to live with her parents-in-law. It is therefore submitted that the said girl has voluntarily eloped with the petitioner and as such, the ingredients of Section 366A of the IPC are not attracted.

5. It is further submitted that according to *Aadhar* card of the said victim girl, her date of birth is 01.01.1999 and hence she is major.



6. The medical report does not disclose any sexual activity to support the allegation under the POCSO Act. The petitioner claims clean antecedents.

7. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate IV, Bhagalpur in connection with Sanokhar P.S. Case No. 78 of 2017 (G.R. No. 2318 of 2017), on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

B.T/Chandran

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