

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36654 of 2018

Arising Out of PS.Case No. -308 Year- 2017 Thana -BISFI District- MADHUBANI

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1. Rahul Kumar Mandal, S/o Raj Banshi Mandal, R/o Vill.- Madhiya, P.S.-
Bisfi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 12-07-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Bisfi P.S. Case No.308 of 2017** instituted for the offence under Section(s) 341, 323, 379, 376/34 Indian Penal Code and Section 4 of the POCSO Act.

Counsel for the petitioner submits that it is alleged against this petitioner by the informant that he was establishing physical relationship with her for the last one year on the pretext of marrying her, but he did not marry.

The victim has given statement under Section 164 Cr.P.C., which is annexed as Annexure-5, wherein, she has stated that she was in love with this petitioner and both were having physical relationship for the last one year. The girl has stated her age to be 16 years, whereas, the Medical Board has assessed her age to be 17 years.



From the written report as well statement recorded under Section 164 Cr. P.C., it appears that victim was indulging in such activities with her consent.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Bisfi P.S. Case No.308 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional District Judge-I, Madhubani**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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