

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.1182 of 2018**

Arising out of PS. Case No.-418 Year-2017 Thana- LAKHISARAI District- Lakhisarai

SURENDRA MANDAL @ SULENDRA MANDAL S/o Ramchandra Mandal, R/o Naya Bazar, Pachna Road, P.S.- Kabaiya, District- Lakhisarai, at present Ward Counselor of Ward No.20 of Nagar Parishad, Lakhisarai.  
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rabi Bhushan  
For the Opposite Party/s : Mr. KALYAN SHANKAR

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

4     27-02-2018             Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the State.

This is an application for grant of anticipatory bail in connection with Lakhisarai (Kabaiya) P.S. Case No. 418 of 2017 registered for the offence punishable under Sections 341, 323, 354(B), 448, 504/34 of the Indian Penal Code read with Section 8 of the Protection of Children from Sexual Offence Act and Section 37(a) of the Bihar Prohibition and Excise Act, 2016.

The case of the informant, namely, Mamta Devi is that in the evening of 06.11.2017 her daughter namely, Neha aged about 15 years had gone for bringing some articles from the market whereupon the petitioner herein who was in an intoxicated condition had caught hold of the daughter of the informant and had started outraging the modesty of the said girl and when the said victim girl started abusing him, the petitioner had then assaulted the victim girl. Thereafter, the daughter of



the informant had freed herself and came back to her house but the petitioner along with two other persons had followed the victim girl and had entered the house of the informant whereafter he again tried to outrage the modesty of the victim girl and when the informant went to save her daughter, she was also assaulted.

The learned counsel for the petitioner has submitted that since the petitioner is a Ward Commissioner, he has been implicated in the present case at the behest of his political opponents.

At this juncture, the learned counsel for the petitioner seeks to file a supplementary affidavit stating therein that in the main bail petition it had been omitted to be mentioned that the petitioner is an accused in one other criminal case.

The learned counsel appearing for the informant has opposed the prayer for bail and has submitted that the petitioner has willfully suppressed the factum of him having a criminal antecedent and in paragraph no. 3 of the main petition it has been falsely stated that the petitioner has got no criminal antecedent. The learned counsel for the informant has further submitted that apart from the said criminal case, in which the petitioner is an accused, details whereof has been mentioned in



the supplementary affidavit, there are other criminal cases pending as against the petitioner herein, hence, on this ground alone the prayer for anticipatory bail is fit to be rejected. Nonetheless, it is submitted that the allegations levelled against the petitioner are grave in nature and at least no case is made out for grant of anticipatory bail.

I have heard the learned counsel for the parties and I find that the petitioner has tried to mislead this Court by giving a false declaration in paragraph no. 3 of the main bail petition and on that ground alone the prayer for grant of anticipatory bail is fit to be rejected. However, coming to the merits of the present case, I find that there is allegation of molesting a minor girl as against the petitioner herein which is a heinous crime. Furthermore, there is allegation of the petitioner being in a drunken state, which is also an offence in view of there being complete prohibition of liquor and intoxicants in the territory of the State of Bihar under the Bihar Prohibition and Excise Act, 2016.

This Court had earlier called for the case diary by an order dated 10.01.2018 and upon a perusal of the said case diary, it is apparent that there are ample materials on record as well as there is no dearth of evidence, collected during the course of



investigation, to support the mode and manner of occurrence. In fact in paragraph no. 25, the supervision note of Sub-Divisional Police Officer, Lakhisarai dated 29.11.2017, has been reproduced, wherein it has been opined that according to the facts which have come to light during the course of investigation and upon supervision, the present case as against the petitioner herein appears to be true for the offences under Sections 341, 323, 354, 448 and 504 of the Indian Penal Code as well as Section 8 of the POCSO Act. It is also apparent that the petitioner has been evading arrest since the registration of the FIR on 09.11.2017 and he being an influential person of the area, has neither joined investigation nor the Police has succeeded in arresting the petitioner.

It may not be out of place to mention here that the trend of child abuse is increasing day by day and it looks like there is no end as people think that they can do anything they want and can go scot-free, hence it is the need of the hour to deal with such cases sternly.

Having regard to the facts and circumstances of the case, more particularly the fact that prima facie a case under Sections 341, 323, 354, 448 and 504 of the Indian Penal Code as well as Section 8 of the POCSO Act is definitely made out as against



the petitioner herein, both from a bare reading of the FIR as also upon perusal of the case diary, coupled with the factum of petitioner not having a clean antecedent, I do not find the present case to be even remotely a case for grant of anticipatory bail, hence the prayer for grant of anticipatory bail, qua the petitioner, is rejected.

The present anticipatory bail is dismissed.

**(Mohit Kumar Shah, J)**

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