

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51467 of 2018

Arising Out of PS. Case No.-30 Year-2016 Thana- HASANGANJ District- Katihar

Sonu Kumar Mandal @ Sonu Mandal, Son of Late Vijay Mandal, Resident of
Village- Baluwa, P.S.- Hasanganj, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra

For the Opposite Party/s : Mr. Sri Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 25-09-2018

Heard learned counsel for the petitioner and the learned

APP for the State.

The petitioner seeks bail in Hasanganj P. S. Case No.
30/16 instituted for the offence under Section(s) 363, 365, 376/34
Indian Penal Code and Section 4 of POCSO Act.

Petitioner is in custody since 2.5.2017.

In the instant case, it is alleged that while the victim
was returning after taking medicine on bicycle, she was
kidnapped by two person on motorcycle.

The informant has named this petitioner in the written
report. The statement of the victim girl has been recorded under
section 164 Cr.P.C. in the instant case which is annexed as
Annexure-2, wherein, she has levelled allegation against this
petitioner. Learned counsel has further submitted that that after



institution of the instant case the father of the informant on 5.2.17 has instituted Hasanganj P. S. case no. 8 of 2017 against the petitioner and others for the offence under sections 363 and 366A of the IPC and Section 4 of the POCSO Act. In that case during investigation the victim girl appeared and gave her statement under section 164 Cr.P.C. which is annexed as Annexure-3 wherein she has stated that she has gone voluntarily with the boy. He has not kidnapped her. She wants to live with the boy.

In this manner, it appears that the same victim girl has given two types of statement under Section 164 Cr.P.C. with regard to her kidnapping.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Katihar, in connection with Hasanganj P. S. Case No. 30/16, GRNo. 2394/16 subject to the condition that both the bailers shall be the close relative of the petitioner.

(Sanjay Priya, J)

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