

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14905 of 2019

Arising Out of PS. Case No.-567 Year-2018 Thana- NAUTAN District- West Champaran

Nand Lal Mahto Son of Kishun Deo Mahto Resident of Village - Mangalpur
Khutahi (Mangalpur Gudaria) P.S.- Nautan, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar No 7, Advocate Mr. Anant Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Mohammad Sufyan, APP
For the Informant	:	Mr. Sachida Nand Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 15-05-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Sections 365/366/366A/34 of the Indian Penal Code and Section 8 of the POCSO Act.

The statement of the victim girl, recorded under Section 164 Cr.P.C., would reveal that she had voluntarily gone with co-accused Shailesh Kumar and has married with him.

Learned counsel for the informant opposed the prayer for bail on the ground that the victim is a minor girl. Hence, her consent or no consent is immaterial.

Since a minor is also competent to say that she was not kidnapped, hence, let the petitioner, above named, be



released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Nautan P.S. Case No.567 of 2018, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below having immovable property in his name.

(b) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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