

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 54891 of 2018

Arising Out of PS. Case No.-65 Year-2017 Thana- LAKHNAUR District- Madhubani

Suraj Mandal @ Suraj Kumar Mandal S/o Yadunandan Mandal, R/o Vill.-
Balbhadarpur, P.S.- Lakhnaur R.S.-O.P., District- Madhubani.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Preeti Kumari D/o Lalit Mandal, W/o Suraj Mandal, R/o Vill.- Balbhadarpur,
P.S.- Lakhnaur, R.S. - O.P., District- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Jha

For the Opposite Party/s : Mr. J.N. Thakur

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 08-03-2019 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 363,366A,504 and 506 of the IPC and Sections 8 and 12 of the POCSO Act.

The prosecution case as per the written report of Neelam Devi submitted to the SHO, O.P., Jhanjharpur Police Station is to the effect that on 13.4.2017, the daughter of the informant aged 15 years, went to school for collecting School Leaving Certificate, thereafter she went traceless. Subsequently, the informant came to know that she has been kidnapped by the petitioner and went to his house to complain, the informant was threatened by the parents of the petitioner of dire consequences.



It is submitted by learned counsel for the petitioner that in fact the victim who is aged about 18 years, herself came to the house of the petitioner and in the statement under Section 164 of the Cr.P.C. the victim recorded her age as 17 years whereas the court also assessed her age as such. However, the Medical Board assessed the age of the victim as 16 years. It is further submitted that in the statement under Section 164 of the Cr.P.C. the victim has neither alleged that she was kidnapped nor she was subjected to any forceful physical relationship.

Learned APP after going through the case diary, submits that though the victim has claimed that she on her own went to the house of the petitioner but she has been found to be minor by the Medical Board.

Considering the fact that the statement of the victim under Section 164 of the Cr.P.C. completely demolishes the medical opinion and that the victim is approaching majority coupled with statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the learned 1st Additional Sessions Judge (Special Judge-POCSO) Madhubani in connection with Lakhnaur P.S. Case No.65 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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