

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11534 of 2020

Arising Out of PS. Case No.-103 Year-2019 Thana- INDUSTRIAL District- Bhagalpur

TINKU MANDAL Son of Chandeshwari Mandal Resident of Ward No. 07,
Derua Mahabal, P.S.- Bhawanipur, District- Purnea.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Anupa Nand Jha, Advocate.
For the State : Mr. Arun Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

6 01-12-2020 Heard learned counsel for the petitioner and the learned
A.P.P. for the State, through Video Conferencing.

The petitioner seeks bail in connection with Industrial P.S.
Case No.103 of 2019 registered under Sections 366(A) and
376(D)/34 of the Indian Penal Code besides Sections 3/4 of the
POCSO Act and Sections 3, 4 and 5 of the Immoral Traffic Act.

The accusation is that in the evening of Saraswati Puja,
2018, the victim, aged about 17 years, daughter of Gangamuni,
resident of village-Derua, P.O. Dumra, P.S. Bhawanipur, District-
Purnea, was returning from school. In the way, one white colour
Scorpio vehicle was parked. When the victim was passing nearby
the Scorpio vehicle, one boy got down from the Scorpio vehicle and
forcibly took her in the Scorpio vehicle, in which two boys were
already sitting. Out of them, the victim identified one boy as Tinku



Mandal (petitioner) belonging to her village. Thereafter, the face and eye of the victim were closed and she was taken at some distance and was kept in a room of the house, situated at village-Jyoti Bihar, Zero Mile, Bhagalpur, where she was served food and rape was committed on her. When the victim started weeping, then one woman in the name of Guria Kumari misbehaved with her and ordered to obey her direction. Guria Kumari, perhaps, happens to be the wife of Mithilesh Mandal and she used to keep the girls after their kidnapping and engage the girls in a flesh trading. The victim was kept at different places, where several persons came and used her sexually. In the meantime, the victim came in the touch of a girl, namely, Khusboo Kumari, who also disclosed the victim that she has been kidnapped by Tinku Mandal (petitioner). Anyhow, the victim succeeded to flee away from there.

Learned counsel appearing on behalf of the petitioner submits that, in fact, the victim and the wife of Mithilesh Mandal used to perform the programme in a orchestra party, in which the petitioner was also a member, and due to distribution of the money, some dispute arose in between them and the victim lodged the present case with false allegation. In paragraph-39 of the supplementary case diary, the witness Karelal Mandal, the co-villager of the victim and the petitioner, has also stated about performing the programme in a orchestra party by the victim and lodging the case by the victim due to the dispute, which arose due to distribution of the



money. Further submission is that the victim in her statement, as recorded under Section 164 of the Code of Criminal Procedure on 30.07.2019, has disclosed another story and stated about her kidnapping from the bathroom by Mithilesh Mandal and engaging her in a flesh trade by him. She has not disclosed the name of the petitioner. The petitioner has no criminal antecedent and is in custody since 30.07.2019.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the 1st Additional Sessions Judge-cum-Special Court of POCSO, Bhagalpur, in connection with Audogic Prakshetra P.S. Case No.103 of 2019.

(Rajendra Kumar Mishra, J)

P.S./-

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