

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10615 of 2020

Arising Out of PS. Case No.-312 Year-2019 Thana- LAKHNAUR District- Madhubani

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BHARAT KUMAR MANDAL @ RAJA @ BHARAT MANDAL @
BHARAT KUMAR Son of Ashok Mandal @ Ashok Kumar Resident of
Village-Deep West, P.S.-Lakhnaur, (RSOP) (wrongly mention name of P.S.-
Jhanjharpur), District-Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
For the Opposite Party/s : Mr.Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-06-2020 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor representing the State, through

Video Conferencing.

This application, for grant of anticipatory bail, arises
out of Lakhnaur (RSOP) Police Station Case No. 312 of 2019,
disclosing offences under Sections 363/366-A-120-B/34 of the
Indian Penal Code and Section 4 of the Protection of Children
from Sexual Offences Act, 2012.

The allegation against the petitioner is that the
petitioner has abducted the sister of the informant, aged about
16 years.

Learned Counsel for the petitioner submits that the
petitioner has been implicated in this case with oblique motive.



He further submits that there was love affairs between the petitioner and the victim girl. He, referring to Annexure 2, submits that the statement of the victim girl has been recorded under Section 164 of the Code of Criminal Procedure, 1973, and from perusal of the same, it is evident that the victim girl, out of her own free will and without any coercion, has stated that she has performed marriage with the petitioner in a temple. He also submits that the victim girl has declared her age to be 19 years and the doctor, vide Annexure 3, has also assessed the age of the victim girl to be between 18-19 years. He, referring to Annexure 4, has submitted that the victim girl has filed an informatory petition before the learned Court below stating therein that she has performed marriage with the petitioner and her own family members are threatening her and the petitioner due to the same.

On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for anticipatory bail and submits that a petition has been filed by the victim girl on 28.12.2019 before the learned Court below to the effect that she had given wrong statement under Section 164 of the Code of Criminal Procedure, 1973 due to the pressure of the accused persons.

Having regard to the submissions made on behalf of



the parties and taking into consideration the fact at the first instance, in her statement under Section 164 of the Code of Criminal Procedure, 1973, the victim girl has stated that she has performed marriage with the petitioner out of her own free will, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks from today, 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 learned 1st Additional Sessions Judge -cum- Special Judge, POCSO Act, Madhubani, in connection with Lakhnaur (RSOP) Police Station Case No. 312 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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