

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1280 of 2020

In
CRIMINAL MISCELLANEOUS No.85395 of 2019

Arising Out of PS. Case No.-7 Year-2019 Thana- BATH District- Bhagalpur

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1. DILEEP MANDAL S/o Late Chura Mandal R/o Village- Karhariya, P.S.- Bath, District- Bhagalpur.
 2. Akhilesh Mandal S/o Late Chura Mandal R/o Village- Karhariya, P.S.- Bath, District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjan Kumar Jha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 01-06-2020 Heard Mr. Ranjan Kumar Jha, learned Counsel for the appellants and Mr. Binay Krishna, learned Additional Public Prosecutor for the State.

The present appeal has been directed against the order, dated 08.11.2019, passed, by learned 1st Additional Sessions Judge –cum- Special Judge, POCSO Act, Bhagalpur, in POCSO 12 of 2019, arising out of Bath Police Station Case No. 07 of 2019, disclosing offences under Sections 366A/376/34 of the Indian Penal Code, Sections 3(1)(v)(r)(w) of the SC/ST Act and Sections 3/4 of the Protection of Children from Sexual Offences Act, 2012, whereby the regular bail application of the appellants was rejected.



The allegation against the appellants, as per the First Information Report, is that the daughter of the informant was abducted by one Manish Kumar, with the help of his family members, for the purpose of marriage. It has further been alleged that when this matter was brought to the notice of the appellants and other family members, they humiliated the informant, abused him and did not accept the marriage between co-accused Manish Kumar and the daughter of the informant.

Learned Counsel for the appellants submits that the appellants have falsely been implicated in the present case inasmuch appellant no. 1 is the father of co-accused Manish Kumar and the appellant no. 2 is his uncle. He further submits that from perusal of the First Information Report, it would be evident that it was Manish Kumar, who abducted the daughter of the informant for the purpose of marriage. The daughter of the informant, in her statement recorded under Section 161 of the Cr.PC., has accepted that she has performed marriage with co-accused Manish Kumar out of her own sweet will. He further submits that co-accused Manish Kumar has been granted bail by the Juvenile Justice Board. He also submits that the appellants are in judicial custody since 24.09.2019.

Having regard to the submissions made on behalf



of the parties and taking into consideration the fact that the appellants are the father and uncle of the main accused Manish Kumar, who has been granted bail by the Juvenile Justice Board and appellants are in judicial custody since 24.09.2019, I am inclined to grant bail to the appellants.

This appeal is, accordingly, allowed.

Let the appellants, above named, be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge –cum- Special Judge, POCSO Act, Bhagalpur, in connection with Bath Police Station Case No. 07 of 2019.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding lockdown and social distancing.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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