

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 22034 of 2020

Arising Out of PS. Case No.-6 Year-2019 Thana- K. NAGAR (Maranga) District- Purnea

Mantu Mitra @ Mantu Prasad @ Mantu Prasad Mitra, aged about 25 years (M), Son of Sri Bhagwan Prasad Mitra @ Bhagwan Prasad, resident of Mohalla-Police Line, P.S. K. Hat, District Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate
For the State : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 20-07-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Amit Kumar Anand, learned counsel for the petitioner and Ms. Anita Kumari Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Special (POCSO) Case No. 21 of 2019/CIS No. 21 of 2019 arising out of K. Nagar (Maranga) PS Case No. 6 of 2019 dated 07.01.2019, instituted under Sections 363/366A/376/34 of the Indian Penal Code and 4 of the Protection of Children from



Sexual Offences Act, 2012.

4. The allegation against the petitioner and another is of abducting the minor granddaughter of the informant and also of committing rape.

5. Learned counsel for the petitioner submitted that there was no abduction and the family of the informant knew about the whereabouts of the girl, which is evident from the fact that though the incident is said to have occurred on 22.12.2018, but the FIR was lodged on 07.01.2019. It was further submitted that it cannot be believed that the victim would be forcibly taken and there is also no explanation as to why she has not raised any hue and cry, if she was taken against her wish. Learned counsel submitted that there is also contradiction in the statement of the girl under Section 161 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'Code') before the police where she has stated that she was taken by the accused on a tempo whereas in the statement under Section 164 of the Code before the Court she has stated that she was taken on a motorcycle. It was submitted that the petitioner has no other criminal antecedent and is in custody since 09.01.2019. Learned counsel submitted that though charge has been framed against the petitioner on 01.05.2019, but no witness has been examined till



date. It was submitted that similarly situated co-accused Madan Mandal @ Madan Kumar Kamti @ Madan Kamti has been granted bail on 29.01.2020 in Cr. Misc. No. 82661 of 2019 by a coordinate bench.

6. Learned APP submitted that the girl admittedly is under 16 years of age and that she has stated about her being raped, both before the police during investigation and before the Court. However, she could not controvert the fact that the petitioner is similarly situated to co-accused Madan Mandal @ Madan Kumar Kamti @ Madan Kamti.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge (POCSO), Purnea in Special (POCSO) Case No. 21 of 2019/CIS No. 21 of 2019 arising out of K. Nagar (Maranga) PS Case No. 6 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the



Court that he shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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