

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12396 of 2021**

Arising Out of PS. Case No.-28 Year-2019 Thana- NATHNAGAR District- Bhagalpur

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PANKAJ KUMAR MANDAL Son of Jhamru Mandal the resident of Village -
Laluchak, P.S. - Nathnagar, Distt. - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Adv.

For the Opposite Party/s : Smt. Pushpa Sinha no.1, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 03-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 363, 366A and 34 of the Indian Penal Code, section 8 of the POCSO Act and section 83(2) of the Juvenile Justice Act.

As per allegation in the F.I.R., the three accused persons including the petitioner herein kidnapped the 14 year old minor daughter of the informant. It is stated that even in the past, the petitioner who is married and father of three children, was forcing his daughter to establish physical relations.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the F.I.R. are false and concocted. No offence under the POCSO Act is made out



against the petitioner. From perusal of the statement under section 164 Cr.P.C., at best a case of kidnapping would be made out and the same is a bailable offence. The petitioner is in custody since 3.10.2020 and investigation in the case has concluded.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, it transpires that there is specific allegation against the petitioner in the F.I.R. of having kidnapped the minor daughter of the informant. The said allegations are supported by the victim-daughter of the informant in her statement under section 164 Cr.P.C. wherein she describes her age to be between 16-17 years.

In the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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