

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29963 of 2021

Arising Out of PS. Case No.-388 Year-2020 Thana- RANIGANJ District- Araria

Prem Lal Mandal @ Parmanand Kumar, Son of Dayanand Mandal, resident of village- Nagrahi, Police Station- Raniganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Adv.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-11-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Special POCSO Case No. 02 of 2021 arising out of Raniganj P.S. Case No. 388 of 2020 dated 02.08.2020 registered under Sections 366A and 376 of the I.P.C. read with Section 04 of the POCSO Act.

Learned counsel for the petitioner submits that petitioner is in custody since 17.09.2020 and he is a person with clean antecedent and charge-sheet has been submitted in the case. Learned counsel further submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that informant alleges that on 01.08.2020 at about 2 a.m. Premlal Mandal (petitioner) enticed away her daughter Chandani

Kumari aged about 15 years giving allurement alongwith other named accused persons and kidnapped her. Learned counsel for the petitioner drawn the attention of the Court to Annexure-2 of the bail application wherein the statement of the victim under Section 164 of Cr.P.C. has been recorded. From perusal of Annexure-2 it would manifest that the victim has disclosed her age as 18 years and the court has assessed her age to be 17 years. The victim in her statement has stated that she on her own sweet will left with this petitioner to Madhepura and from there she went to Delhi and stayed with this petitioner for about 45 days and thereafter she started staying with the petitioner at his home. Thereafter she married with the petitioner and presently she is four and half months pregnant and she clearly stated that she wants to go to her in laws place. Learned counsel for the petitioner submits that from perusal of the statement of the victim under Section 164 of the Cr.P.C. it would manifest that victim is a matured girl and understands the consequences of her action and is pregnant also. Further that the present case seems to be instituted merely because the informant and his family were against this relationship. Learned counsel further submits that victim is a major and even considering the age of victim is 17 years then also she had reached the age of discretion and is

capable of taking decision.

Learned A.P.P. opposes the bail application and submits that victim is a minor.

Considering the fact that the victim disclosed her age 18 years and that petitioner is in custody since 17.09.2020 and charge-sheet has been submitted, the petitioner above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge (POCSO), Araria in connection with Special POCSO Case No.02 of 2021 arising out of Raniganj Police Station Case No. 388 of 2020.

(Satyavrat Verma, J.)

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