

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7431 of 2021

In
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. Nawal Kishore Prasad
For the informant	:	Mr. S. K. Jha

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 10-02-2021 Heard learned Counsel for the petitioner, learned
Counsel for the informant and learned Additional Public
Prosecutor for the State.

This application has been filed for modification of the
order, dated 25.06.2020, passed in Criminal Misc. No. 10615 of
2020, whereby the present petitioner has been granted privilege
of anticipatory bail subject to the condition that the petitioner
shall surrender before 1st Additional Sessions Judge -cum-
Special Judge, POCSO Act, Madhubani, within a period of six
weeks from the date of the order.

Learned Counsel for the petitioner submits that due to
unavoidable reasons and the fact that at the time of grant of bail,



the case was pending before learned A.C.J.M.-1, Jhanyharpur, and in the operative portion of the bail application, the description of the learned Court below was mentioned as 1st Additional Sessions Judge -cum- Special Judge, POCSO, Madhubani, the petitioner could not surrender before the learned Court below within the time granted by this Court and he prays for further two weeks' time to surrender before the learned 7th Additional Sessions Judge -cum- Special Judge, POCSO, Madhubani, where the case is, at present, pending.

Learned Counsel for the informant vehemently opposed the prayer for modification and submits that the bail of the petitioner was allowed on the premise that the victim girl did not support the prosecution story in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973. However, subsequently, the statement of the victim girl was again recorded under Section 164 of the Code of Criminal Procedure, 1973 on 28.12.2019, in which she has categorically stated that she was forcibly lifted by the petitioner and was physically abused and the earlier statement made by her was under pressure.

Learned Counsel for the petitioner submits that this aspect of the matter was considered at the time of grant of bail



by this Court.

Having regard to the submissions made on behalf of the parties, let the time granted by this Court to surrender before the learned 7th Additional Sessions Judge -cum- Special Judge, POCSO, Madhubani, by order, dated 25.06.2020, passed in Criminal Misc. No. 10615 of 2020, is hereby extended by further two weeks from today.

Accordingly, this application is allowed with the modification as above.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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