

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36104 of 2020

Arising Out of PS. Case No.-94 Year-2020 Thana- KHARHAGPUR District- Munger

Shankar Mandal, aged about 40 years, male, S/o Kaildeo Mandal, R/o Village- Tajpur, P.S.- Haweli Kharagpur, District- Munger, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 07-04-2021 Heard Mr. Arvind Kumar Singh, learned Advocate

for the petitioner and Md. Aslam Ansari, learned APP for the

State.

The petitioner seeks bail in anticipation of his arrest

in connection with H. Kharagpur (Shampur) P.S. Case No. 94

of 2020, dated 18.04.2020, instituted for the offences under

Sections 366(A), 120(B) and 504/34 of the Indian Penal

Code and Section 8 of the Protection of Children from Sexual

Offences Act, 2012.

It has been alleged in the F.I.R. that the minor

daughter of the informant has been taken away for the



purposes of marriage. When definite information was received by the informant that one Kailash Mandal wanted to marry his daughter, he visited his house where he and his associates were misbehaved with by aforesaid Kailash Mandal and others including the petitioner.

The victim girl has given her statement under Section 164 Cr.P.C. in which she has stated that she had gone to the house of Kailash Mandal for the purposes of marrying him. Later, she came to learn that Kailash Mandal takes intoxicants on daily basis and is also of a different caste and, therefore, she was not desirous of continuing with the marriage.

The learned counsel for the petitioner has submitted that the entire accusation is against Kailash Mandal and that the victim had also agreed for going with Kailash Mandal of her own volition. It has further been submitted that no doubt, the consent of a minor is no consent in the eyes of law, but so far as the petitioner is concerned, he is the younger brother of aforesaid Kailash Mandal who is only alleged to have misbehaved with the



informant and others when they had come to the house of Kailash Mandal.

The learned counsel for the petitioner has submitted that aforesaid Kailash Mandal is in jail.

Regard being had to the facts afore-stated, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Act, Munger in connection with H. Kharagpur (Shampur) P.S. Case No. 94 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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