

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.746 of 2021

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

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1. Sarita Devi @ Sunita Devi, W/o Kapildeo Mandal
 2. Sarswati Kumari, D/o Kapildeo Mandal

Both are resident of 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 : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 25-06-2021 Heard the counsel for the parties.

The petitioners seek bail in anticipation of their 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 abducted 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 the aforesaid Kailash Mandal and others including the petitioners.

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 petitioners 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 petitioners are



concerned, they are the mother and sister of aforesaid Kailash Mandal respectively, who are only alleged to have misbehaved with the victim and others when they had come to the house of Kailash Mandal.

The learned counsel for the petitioners has submitted that the aforesaid Kailash Mandal is in jail and one of the similarly situated accused person of this, *viz.*, Shankar Mandal, who is the younger brother of aforesaid Kailash Mandal, has been granted anticipatory bail by this Court vide order dated 07.04.2021 passed in Cr. Misc. No. 36104 of 2020.

Regard being had to the facts afore-stated, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each 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)

Praveen-II/-

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