

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2552 of 2022

Arising Out of PS. Case No.-61 Year-2021 Thana- ABADPUR District- Katihar

Md. Mansoor, Alam, S/o Md. Sadeek, Resident of Village - Satua Lagua, P.S.
- Abadpur, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
		Mr. Bhaskar Shankar, Advocate
For the State	:	Mr. Awadhesh Kumar Singh, APP
For the informant	:	Md. Helal Ahmad, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-11-2022 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with G.R. No. 2647 of 2021 arising out of Abadpur
P.S. Case No. 61 of 2021 registered for the offences punishable
under Sections 366(A), 363, 341, 323, 504, 506 and 34 of the
Indian Penal Code and Section 4 of the POCSO Act.

As per prosecution case, the minor daughter of the
informant went missing and after a futile but hectic search, the
informant named the petitioner and other co-accused persons for
enticing away his daughter with intention of marriage.

The learned senior appearing on behalf of the



petitioner submits that the FIR has been registered after delay of 15 days for which there is no reasonable explanation. The victim girl was recovered and her statement under Section 164 Cr.P.C. was recorded wherein she has stated that she went away with the petitioner out of her sweet will and no allegation of physical or sexual assault has been made by her. The medical report also negates the prosecution case about any rape being committed with her. From the material available on record no offence under Section 366(A) I.P.C. is made out against the petitioner. The petitioner is in custody since 13.08.2021 and the charge sheet has been submitted against him. The petitioner is having clean antecedent.

Learned APP as well as learned counsel appearing for the informant oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the consent of the minor is immaterial and from her statement under Section 164 Cr.P.C. it is apparent that she went away with this petitioner. Her age was assessed to be 16-17 years.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the statement of the victim girl stated to be aged about 16-17 years



the age when a girl develops sufficient maturity and knows the consequences of her act and further considering the clean antecedent of the petitioner along with his period of custody and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIIth-cum-Special Judge, POCSO Act, Katihar in connection with G.R. No. 2647 of 2021 arising out of Abadpur P.S. Case No. 61 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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