

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26652 of 2022

Arising Out of PS. Case No.-110 Year-2019 Thana- NAANPUR District- Sitamarhi

1. Sukhdeo Mandal, S/o Late Bindeshwar Mandal, R/o village- Gorar, P.S.- Bajpatti, Distt.- Sitamarhi
2. Arvind Kumar Mandal, S/o Simi Mandal @ Somi Mandal, R/o village- Gorar, P.S.- Bajpatti, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-06-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Nanpur P.S. Case No. 110 of 2019 registered for the alleged offences under Sections 363, 366(A)/34 of the Indian Penal Code.

The prosecution case is that the petitioners helped the co-accused in enticing away the minor daughter of the informant.



The learned counsel for the petitioners submits that the petitioners have no role in the occurrence. The victim girl went away with co-accused Munna Kumar and solemnized marriage with him and they have a child out of this wedlock. In her statement recorded under Section 164 Cr.P.C., she stated her age to be 19 years and further made statement regarding her marriage and birth of a child. She has not stated anything against the petitioners or about their involvement in the crime. The FIR is an afterthought as the same has been registered after a delay of 10 days and there is no reasonable explanation for the same. Even the police submitted final form and did not send the petitioners for trial, but the learned court below took cognizance differing from the report of the police. Petitioners are in custody since 06.04.2022.

Learned APP has opposed the submission made on behalf of the petitioners. He submits that the petitioners have been named in the FIR and the victim girl was minor when she was enticed away.

Having regard to the submissions made hereinabove and considering the age of the victim girl when one develops sufficient maturity and further considering her statement recorded before the learned Judicial Magistrate under



Section 164 Cr.P.C. and absence of any cogent material against the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-VI-cum-Special Judge (POCSO), Sitamarhi in connection with Nanpur P.S. Case No. 110 of 2019, subject to the following conditions :

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

V.K.Pandey/-

U		T	
---	--	---	--

(Arun Kumar Jha, J)

