

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38564 of 2021

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

KAILASH MANDAL S/o Kapildeo Mandal R/o Village- Tajpur, P.S.- Haweli
Kharagpur, District- Munger.

... .. 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. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 07-03-2022 Heard.

The petitioner seeks regular bail in connection with H. Kharagpur (Shampur) P.S. Case No. 94 of 2020, registered for the offence punishable under sections 366(A)/120(B)/504/34 of the Indian Penal Code and section 8 POCSO Act.

The allegation is regarding the petitioner herein having kidnapped the victim girl.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 10.06.2020. The learned counsel for the petitioner has referred to the statement of the victim girl made under Section 164 Cr. P.C. before the learned Magistrate to



submit that victim girl had voluntarily gone to the house of the petitioner and solemnized marriage with him. Hence, it is submitted that the petitioner is having no complicity in the matter.

Per contra, Ms. Anita Kumari Singh, the learned APP for the State, has vehemently opposed the prayer for bail and has submitted that a bare perusal of the case diary would show that the medical examination of the victim girl was held and her age was determined as 17-18 years, hence it is denied that the victim girl has voluntarily gone to the house of the petitioner and solemnized marriage.

Having regard to the facts and circumstances of the case, considering the submissions made by the parties and taking into account the materials available in the case diary, I find that the victim girl has been found to be aged about in between 17-18 years and she had voluntarily gone to the house of the petitioner and solemnized marriage, however, in the statement of the victim girl made under section 164 Cr. P.C. before the learned Magistrate, no untoward incident is alleged to have been committed by the petitioner apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since more



than a year, hence, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Court of Additional Sessions Judge VI cum Special Judge, POCSO Act, Munger in connection with H.Kharagpur (Shampur) P.S. Case No. 94 of 2020.

(Mohit Kumar Shah, J)

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