

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29661 of 2022

Arising Out of PS. Case No.-90 Year-2022 Thana- KAHALGAON District- Bhagalpur

PANKAJ MANDAL @ PANKAJ KUMAR SON OF LATE JITAN
MANDAL R/O – VILL - BRAHMCHARI TOLA, GHOGHA P.S.- GHOGHA
(KAHALGAUN) DIST. - BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-11-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State through the virtual Court proceedings.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 354(D), 366(A), 385, 506,
504/34 of the Indian Penal Code, Section 8 of the POCSO Act and
Section 67(A) of the IT Act.

Learned counsel for the petitioner submits that petitioner
is a person with clean antecedent.

The informant alleges that petitioner is the owner of a
coaching centre from where the informant passed her matriculation
examination. On 25.02.2021, she went to fill up the form of
scholarship when the petitioner got her passbook and on 28.02.2021
when she went to take her passbook along with her friend, the
petitioner asked her friend to go out thereafter, made her unconscious



by putting a handkerchief. When she regained her consciousness, she saw her clothes torn and vermilion on her head and Sikandar Mandal also took a photograph with her. Further, it is alleged that she was threatened that her brother will be killed if she discloses the occurrence to any one. It is further alleged that on 03.02.2022, extortion of Rs.2 lakh was demanded from her father by the accused from M. No. 9135209221.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that informant and Sikandar Mandal were in love and the petitioner being brother of Sikandar Mandal has been falsely implicated in the present case. It is next submitted that the alleged date of occurrence is said to have taken place on 28.02.2021 but in between 28.02.2021 to 03.02.2022 no case came to be instituted and thereafter the informant by falsely alleging that on 03.02.2022 an extortion call was received by his father, the present case has been instituted. It is also submitted that the statement of the informant was recorded under Section 164 Cr.P.C. but she has not even whispered about the petitioner in her statement under Section 164 Cr.P.C.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of



six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kahalgaon (Ghogha) P.S. Case No. 90 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and further the learned trial court before accepting the bail bonds of the petitioner shall verify from the record that as to whether the informant has taken the name of the petitioner in her statement under Section 164 Cr.P.C. or not and in the event, if it is found that the name of the petitioner is there in her statement under Section 164 Cr.P.C. then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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