

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42063 of 2021**

Arising Out of PS. Case No.-321 Year-2020 Thana- SABAUR District- Bhagalpur

NIKESH MANDAL @ NIKESH KUMAR MANDAL Son of Sunil Mandal
Resident of Village- Simaro, P.S.- Sabour, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate
For the Opposite Party/s : Mr. Rajeev Nayan, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

4 05-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Sabour P.S. Case No. 321/2020 registered for the offences punishable under Sections 363, 365, 366-A and 120-B of the Indian Penal Code-1860. Subsequently, Section 376 of the Indian Penal Code and Section 4 of POCSO Act were also added.

The prosecution case in nutshell is that the minor daughter of the informant has been abducted by the petitioner from the house of the informant for the purpose of marriage.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case on the basis of concocted story. He further submits that the victim girl was



studying in the coaching institute of co-accused Deepak Kumar and from perusal of the statement of the victim girl recorded under Section 164 Cr. P.C., it would be evident that she has not stated anything against the petitioner and has only stated that co-accused Deepak Kumar used to instigate the petitioner for abduction of the victim, and in Delhi one friend of the co-accused, namely, Sunil Kumar had committed rape upon her. He next submits that co-accused Deepak Kumar has been granted bail by this Court in Cr. Misc. 35102/2021. The petitioner is in custody since 6.1.2021.

Regards being had to the submissions made by the parties and taking into consideration the materials on record, the statement of the victim girl recorded under Section 164 Cr. P.C. in which she has not stated against the petitioner that he has physically abused the victim girl, other co-accused Deepak Kumar has been granted bail by this Court, the petitioner is in custody since 6.1.2021 and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge



(POCSO) cum 7th Additional District and Sessions Judge,
Bhagalpur, in connection with Sabour P.S. Case No. 321/2020
subject to the condition that the petitioner will be well
represented on each date in the trial and if he fails to do so on
two consecutive dates, his bail bonds will be liable to be
cancelled.

(Anil Kumar Sinha, J)

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