

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35757 of 2022

Arising Out of PS. Case No.-50 Year-2022 Thana- BISFI District- Madhubani

Vikash Kumar Mandal Son Of Late Vishnu Dev Mandal R/O Village-
Chhotaki Itharwa, P.S.- Bisfi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr. A.G., APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-09-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bisfi P.S. Case No. 50 of 2022 lodged under Sections 363,
366(A)/34 of the I.P.C. and Section 8/12 POCSO Act.

As per the prosecution case, the story of kidnapping
of the informant's daughter, alleged to be 16 years of age, is
there for the purpose of marriage. F.I.R. has been filed against 7
named persons including the petitioner.

Learned counsel for the petitioner submits that the
alleged victim has been recovered and in her statement under
section 164 which is Annexure – 2, has categorically not made

any allegation of kidnapping against the petitioner. Learned counsel for the petitioner further submits that Annexure – 3 is the Medical Examination Board relating to the age of the petitioner which is 20 years or above, as ascertained by the Medical Board.

Learned counsel for the petitioner that the POCSO has been wrongly been added as well as allegation of kidnapping is also not correct. He further submits that petitioner is in custody since 17.04.2022 having clean antecedent and he is ready to fulfill all the conditions whatsoever shall be imposed upon him.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-7th Cum Special Judge (POCSO Court), Madhubani in connection with Bisfi P.S. Case No. 50 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall

appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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