

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47479 of 2021

Arising Out of PS. Case No.-81 Year-2021 Thana- SINGHESHWAR District- Madhepura

BIJENDRA MANDAL Son of Late Guneshwar Mandal Resident of Village -
Tarha, Ward no.04, P.S.- Singheshwar, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 09-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 363, 366A and 34 of the Indian Penal Code read with Section 8 of the POCSO Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 07.04.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

The informant alleges that one Awadhesh Kumar used to pass lewd comments whenever her minor daughter used to go to the school, further on 05.04.2021, the victim had gone to buy some household articles but did not return and on search, the informant came to know that the victim has been kidnapped by six named accused persons, including the petitioner, in the swift



car of Neeraj, further petitioner and his wife went upto Singheshwar and returned back while the other accused persons are with the victim.

Learned counsel for the petitioner submits that the informant is not an eyewitness to the occurrence and it seems improbable as to why husband and wife would kidnap the victim when they had no relation with Awadhesh Kumar, it is further submitted that the statement of the victim was recorded under Section 164 of the Cr.P.C. wherein she has disclosed her age as 18 years and has not supported the prosecution case rather has stated that she has married Awadhesh Kumar and is even carrying pregnancy of six months.

Learned A.P.P. for the State, in view of the submissions made by the learned counsel for the petitioner and especially the statement of the victim recorded under Section 164 of the Cr.P.C., is not in a position to oppose the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 07.04.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and the victim has not supported the prosecution case in her statement made under Section 164 of the Cr.P.C., let the petitioner above named be



released on bail on furnishing bail bond of Rs. 5,000/- (Rupees Five 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 Singheshwar P.S. Case No. 81 of 2021.

(Satyavrat Verma, J)

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