

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53543 of 2021**

Arising Out of PS. Case No.-103 Year-2019 Thana- INDUSTRIAL District- Bhagalpur

Jitendra Manal @ Jitan Mandal Son Of Birendra Mandal R/O Village- Derwa,
P.S.- Bhawanipur, Dist.- Purnea

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha

For the Opposite Party/s : Mr. Nagendra Prasad

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 14-02-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner seeks bail in connection with Industrial
P. S. Case No.103 of 2019, instituted for the offences under
Sections 366(A), 376(D)/34 of the Indian Penal Code, Section
3/4 of the POCSO Act and Sections 3/4/5 of the Immoral Traffic
Act.

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

The learned counsel for the petitioner submits that the
informant, a minor, alleges that she is a student and when she
was returning from school on occasion of Saraswati Puja, then



some accused persons pulled her inside a car and kidnapped her. It is further alleged that Tinku Mandal, a co-villager, was inside the car. It is further alleged that she was taken in a room and locked from the outside and in the night, two persons came and established physical relation with her and when the informant started crying, one lady Guria Kumari came and scolded her and said that she has to bow down to their wishes. Guria Kumari is either wife or sister-in-law of Mithilesh Mandal and they are in business of forcing the victim into sexual and immoral activity. They used to change their residence frequently and at times used to send girl outside with customers. It is further alleged that during such outing, the informant met another minor 'X', who also disclosed that she was kidnapped by Tinku Mandal, Mithilesh Mandal and Guria Kumari and was forced into immoral traffic. It is further alleged that Mithilesh, Tinku and Guria are involved in this business along with 5-6 unknown persons. It is further alleged that the informant managed to escape from the clutches and lodged the present F.I.R.

The learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. and the informant, who alleges that she met one 'X' and she disclosed that she was also kidnapped by Tinku Mandal, but when the statement of 'X' was



recorded under Section 164 of the Cr.P.C., she disclosed the name of the petitioner as his kidnapper and handed her over to Mithilesh Mandal and thereafter, she was pushed into this bad world of immoral traffic.

The learned counsel for the petitioner submits that from bare perusal of the allegation as alleged, it would manifest that the petitioner has been falsely implicated and has been roped with false allegation of kidnapping. The learned counsel submits that it absolutely does not stand to reason that if the minors, as alleged, were kidnapped, then how come F.I.R. came to be instituted not by their parents or family members, but only when manage to escape, the present F.I.R. came to be instituted. This in itself shows and demonstrates that the occurrence happened in some other manner and the petitioner came to be implicated in some other way. It is submitted that the informant and 'X', are dancers in an orchestra group and they had some money dispute with their owners of the orchestra group and on account of which, the present false came to be instituted because it absolutely does not stand to reason that if a minor is kidnapped, the parents or the family members would rush to the police and will not wait for the victim to be recovered so that the victim instituting the case. The learned counsel further



submits that co-accused Tinku Mandal has been granted bail by order dated 01.12.2020 in Cr. Misc. No.11534 of 2020.

The learned A.P.P. for the State opposes the bail application, but is not able to meet the submission of the learned counsel for the petitioner that if the minors were kidnapped, then why F.I.R. was not instituted either by their parents or their family members.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in the case and co-accused has been granted bail, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (POCSO), Bhagalpur in connection with Industrial P. S. Case No.103 of 2019.

The application stands allowed.

(Satyavrat Verma, J)

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