

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46266 of 2022

Arising Out of PS. Case No.-124 Year-2022 Thana- TRIVENIGANJ District- Supaul

Kanchan Devi Wife of Kamlesh Mandal @ Kamlesh Kumar Mandal R/v-
Gordhei, P.S- Tribeniganj, Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-12-2022 The matter is heard through video conferencing in
virtual mode.

The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner and the
learned APP for the State through virtual mode.

Petitioner seeks regular bail in connection with
Triveniganj P.S. Case No. 124 of 2022 registered for the
offences punishable under Sections 376, 385 and 120B of the
Indian Penal Code and Section 4/17 of the POCSO Act.

Allegedly, the co-accused Mithlesh Kumar, who
happens to be brother of the petitioner established sexual
relationship with the informant on the pretext to marry her and



in the said occurrence the petitioner helped her brother and she is stated to be the master mind of the alleged occurrence and on account of the alleged physical relationship the informant conceived and then this petitioner and her brother started making pressure upon the informant to abort and also demanded one lakh rupee from the informant's father.

The main submissions advanced by learned counsel Mr. Naresh Chandra Verma appearing for the petitioner are that the petitioner is a young married lady having two minor children and her one child is one year old and she has been languishing in jail since 15.07.2022 and the main allegation is against the brother of this petitioner, in fact the allegations made in the FIR are totally false as the informant was admittedly in love affair with the brother of this petitioner and the age of the informant has been assessed between 17 and 19 years by the Medical Board, hence the offence under POCSO act are not made out in this case.

Learned APP Mr. Ganesh Prasad Singh appearing for the State has opposed the bail prayer.

Having regard to the facts and circumstances of this case, considering the above submissions and mainly the facts that the petitioner is a woman having two minor children and the main allegation of establishing sexual relationship with the informant on the pretext to marry her is against the brother of this



petitioner and also taking into account the petitioner's custody period, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Triveniganj P.S. Case No. 124 of 2022.

(Shailendra Singh, J.)

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