

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65948 of 2021

Arising Out of PS. Case No.-284 Year-2021 Thana- LAUKAHA District- Madhubani

Mithilesh Kumar Mandal Son of Bhagirath Mandal Resident of Village-
Khutauna Bazar, Baluaha Tola, P.S.- Khutauna, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State in virtual court proceedings.

Petitioner seeks bail in a case registered for the offences punishable under Sections 370 (1)(2)(3) of the Indian Penal Code and 8 of the POCSO Act.

As per prosecution case, in brief, is that on 02.09.2021 while accused petitioner coming from Nepal to India along with one Manisha Kumari Sah, SSB personnel caught both of them and on questioned the accused petitioner did not tell any relation with Manisha Kumari Sah. It is further alleged that information was given to the parents of the victim and they



told that the victim has no any concern with the accused petitioner and also alleged for bad act of the petitioner to be taken her daughter in India.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that the petitioner has no concern with the alleged occurrence and the victim in her statement recorded under Section 164 Cr. P.C. on 04.09.2021 in which she has categorically stated that SSB personnel caught her and she named the accused petitioner. Further submits that victim and the petitioner have also filed a joint compromise petition before the Special Judge, POCSO Act, Madhubani in Laukaha P.S. Case No. 284 of 2021 in which she has categorically stated that due to pressure by the SSB personnel she has filed a false case against the petitioner.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the period of custody already suffered since 04.09.2021, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Court below where the case is pending in connection with
Laukaha P.S. Case No. 284 of 2021, with the following
conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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