

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25809 of 2023

Arising Out of PS. Case No.-199 Year-2022 Thana- ISHAKCHAK District- Bhagalpur

SOLJAR MANDAL SON OF DINESH MANDAL RESIDENT OF
VILLAGE- FERI ROAD BARARI, PS- BARARI, DISTT- BHAGALPUR
... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar
For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 19-05-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with S.Tr. No.
51 of 2023 arising out of Ishakchak P.S. Case No. 199 of 2022
registered for the offence under Sections 363, 366(A) read with
Section 34 of the Indian Penal Code and Section 8/12 of the
POCSO Act.

Learned counsel for the petitioner submits that no
charge-sheet has been submitted under the POCSO Act and
charge-sheet has only been submitted under Section 366A and
34 of the Indian Penal Code.

The petitioner cannot get benefit because of the bad
legal knowledge of the investigating officer.



The girl is a minor aged about 13 years and she is studying in class V and was taken away by the petitioner and other co-accused and this Court is also of the view that charge-sheet should also have been submitted under POCSO Act also.

In view of the facts and circumstances, as mentioned above, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer of bail of the petitioner is rejected herewith.

The Court below is directed to expedite the trial.

The Senior Superintendent of Police, Bhagalpur is directed to look into the matter and consider that whether the charge-sheet should have been submitted under POCSO Act or not.

Let a copy of this order be communicated to the Senior Superintendent of Police, Bhagalpur through FAX and e-Mail for its compliance forthwith.

(Sandeep Kumar, J)

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