

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35194 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- LODIPUR District- Bhagalpur

=====

ARVIND MANDAL S/O LATE CHUNCHUN MANDAL Resident of
Village- Tahbalpur, P.s.- Lodipur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Kumar, Advocate

For the Opposite Party/s : Ms.Nirmala Kumari, APP

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 09-01-2023 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks regular bail in connection
with Lodipur PS case no. 52 of 2022 instituted for the offences
punishable under Sections 363, 366(A), 504, 506/34 of the
Indian Penal Code and Section 8 of POCSO Act.

The allegation is regarding the minor daughter of
the informant having left her house for going to tuition but when
she did not return till evening, the informant had tried to search
for her, whereupon he was told by his co-villagers that one
Rohit Kumar is also missing from his home, whereafter the
informant and his wife had gone to the house of the petitioner
and met the father of the said Rohit Kumar, however, the
informant and his wife were abused and threatened by the



accused persons including the petitioner herein.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 17.05.2022. The learned counsel for the petitioner has further submitted that the petitioner is the father of the co-accused person namely Rohit Kumar, who is stated to have eloped with the daughter of the informant, however, as far as the petitioner is concerned, he has got no role to play, nonetheless, it is submitted by the learned counsel for the petitioner that the statement of the victim girl recorded under Section 161 Cr.P.C. by the police would show that she had voluntarily eloped with the co-accused person namely Rohit Kumar and after solemnizing marriage, they were living as husband and wife. It is also submitted by referring to the medical report that since the age of the victim girl has been found to be more than 18 years, the son of the petitioner and the victim girl may have consented to marry and live together as husband and wife.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the



case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, this Court finds that as far as the petitioner is concerned, who is the father of the co-accused Rohit Kumar, who had eloped with the victim girl, he has got no role to play in the alleged incident, inasmuch as the materials available in the case diary would bear it out that the co-accused person namely Rohit Kumar had eloped with the victim girl and solemnized marriage, which appears to be consensual in nature, hence, I deem it fit and appropriate to enlarge the petitioner on bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, POCSO Act-cum-Additional Sessions Judge VI, Bhagalpur in connection with Lodipur PS case no. 52 of 2022.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

