

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36420 of 2023

Arising Out of PS. Case No.-372 Year-2020 Thana- MAIRWAN District- Siwan

MANTU PRASAD @ MANTU KUMAR @ MANTU KUMAR MANJHI
Son of Bhagelu Prasad Resident of village - Mairwa Dham, Darauli Road,
P.S. - Mairwa, Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 07-07-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned A.P.P for the State.

The petitioner has preferred this application for grant of regular bail in connection with Mairwa P.S. Case No. 372 of 2020 dated 29.11.2020 registered for the offences punishable u/s 363 and 366A read with section 34 of the Indian Penal Code.

As per the prosecution case, the petitioner and the co-accused persons are alleged to have kidnapped the minor daughter and niece of the informant by enticing them for illicit intercourse while they were going to attend call of nature.



Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The victim in her statement recorded under section 164 of Cr. P.C. has stated that there was love affairs with the petitioner and she solemnized marriage with the petitioner of her own will. As per the medical report of the niece of the informant, there is no sign of evidence of recent sexual intercourse and the medical board assessed her age as 18-19 years hence no offence under the POCSO Act is made out against the petitioner. Learned counsel has further submitted that there is no assessment of the age of the informant's daughter by the medical board. Learned counsel has further submitted that the petitioner/accused was not medically examined under section 53A of the Cr.P.C. Similarly situated co-accused has already been granted bail by the co-ordinate bench of this court *vide* order dated 08.02.2023 passed in Cr. Misc. No. 51925 of 2022. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 09.05.2023.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the niece of the informant has stated in her statement recorded under section 164 of the Cr.P.C. that she was sexually assaulted by the



petitioner after administering intoxicated substance.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Siwan in connection with Mairwa P.S. Case No. 372 of 2020, with the condition/s:-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

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