

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42045 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- SABAUR District- Bhagalpur

BIRBAL KUMAR MANDAL @ BIRBAL MANDAL SON OF BABULAL
MANDAL RESIDENT OF VILLAGE - KORICHAK, POLICE STATION -
BANKA, DISTRICT - BANKA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR, PATNA
2. RINA DEVI WIFE OF LATE PAPPU MANDAL RESIDENT OF
VILLAGE - SALPUR, P.O. - PRASHASTDIH, POLICE STATION -
GORADIH, DISTRICT - BHAGALPUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-08-2023 Heard Mr. Ajay Mukherjee, learned Counsel for the
petitioner and Mr. Bharat Bhushan, learned APP for the State.

The petitioner apprehends his arrest in connection with Sabour (Goradih) P.S. Case No. 30 of 2023 for the offence registered under sections 341, 323, 366(A), 504, 506 and 34 of the Indian Penal Code and section 8 of the POCSO Act lodged on 14.01.2023 by the informant, Reena Devi.

As per the prosecution story, allegation is that the petitioner who entice away the minor daughter for the purpose of marriage in which his family members also participated. Accordingly, the FIR.

It is the case of the petitioner that the girl



subsequently returned and in her statement under 164 of the Cr.P.C., she did not supported the prosecution story.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that she was a minor.

Considering the fact that the girl upon her return did not supported the case, the petitioner is 21 years old and do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (POCSO)-cum-7th Additional District and Sessions Judge, Bhagalpur in connection with Sabour (Goradih) P.S. Case No. 30 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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