

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41466 of 2022**

Arising Out of PS. Case No.-81 Year-2021 Thana- SINGHESHWAR District- Madhepura

Awadhesh Kumar Mandal @ Abadesh Kumar Mandal Son of Sri Bijendra Mandal Resident of Village - Tarha, Ward No. 04, Police Station - Shingheshwar, District - Madhepura.

... .. Petitioner/s

Versus

|    |                                                                                                   |
|----|---------------------------------------------------------------------------------------------------|
| 1. | The State of Bihar                                                                                |
| 2. | Shivshankar Sah S/o- Ram Bilash Sah, R/o- Baihari, Ward No.-09, P.S- Singheshwar, Dist- Madhepura |

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shailendra Kumar Singh, Adv.  
For the State : Mr. Shailendra Kumar, APP.  
For the Informant/s : Ms. Kumari Rashmi, Adv.

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

4      28-02-2023                      Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

Petitioner seeks regular bail in connection with POCSO Case No. 20/2021 (Suppl.) arising out of Singheshwar P.S. Case No. 81 of 2021 registered for the offences punishable under Sections 363 and 366(A)/34 of the Indian Penal Code.

As per the prosecution, the informant alleged that the



petitioner used to eve tease his daughter and make offensive comments on her when she went to school and for this, the informant had complained to the parents of the petitioner. It is further alleged that the petitioner along with other five named co-accused persons abducted his daughter when she went to the market.

The main submissions advanced by the petitioner's counsel are that the alleged offences of the FIR are not made out against the petitioner and the said so-called victim is not a minor girl and she recorded her statement under Section 164 of Cr.P.C. in which she denied all the allegations of the FIR and her date of birth is 12.02.2004 as per her mark-sheet issued by Bihar School Examination Board, Patna and the petitioner has been languishing in jail since 31.05.2022 and against him the investigation has been completed.

Learned APP for the State and learned counsel for the informant have vehemently opposed the bail prayer.

In view of the facts, as stated above and mainly considering the victim's statement recorded under Section 164 of Cr.P.C., which completely goes against the allegations made in the FIR, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail



on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with POCSO Case No. 20/2021 (Suppl.) arising out of Singheshwar P.S. Case No. 81 of 2021.

(Shailendra Singh, J)

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