

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46363 of 2023

Arising Out of PS. Case No.-109 Year-2022 Thana- SINGHESHWAR District- Madhepura

Mankhush Kumar @ Mankhush Pasi @ Mankhush Kumar Pasi S/O Manoj
Pasi R/O Village- Jhitkiya, Ward No. 2, Ps. Singheshwar, Dist. Madhepura

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rupesh Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Singheshwar P.S. Case No. 109 of 2022 registered for the offence under Sections 363, 366-A, 34 of the Indian Penal Code and later on added Section 8 of POCSO Act.

3. The accused/petitioner is named in the F.I.R. and is in custody since 13.03.2023.

4. The allegation against the petitioner is to kidnap the minor daughter of informant, aged about 16 years for the purpose of illicit intercourse/marriage.

5. Learned counsel appearing on behalf of the petitioner submitted that as love affair of petitioner with the daughter of informant was not accepted by family members



including informant, as both belongs to different religions, the present false implication was raised. It is submitted that daughter of informant went up to Odisha alongwith this petitioner and it is not convincing that she was kidnapped up to such long distance without having any intervening circumstances, sufficient to suggest, *prima facie*, that she went on her own with petitioner. While concluding the argument, it has been submitted that there is no allegation of sexual assault available against this petitioner, as per statement of victim recorded under Section 164 of Cr.P.C., where petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, and by taking note of fact as allegation of sexual assault is not available against this petitioner, as per statement of victim recorded under Section 164 of Cr.P.C., coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 13.03.2023, accordingly, above named petitioner is directed to be released on bail in connection with Singheshwar P.S. Case No. 109 of 2022 on



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of the Court of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Madhepura/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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