

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47087 of 2023

Arising Out of PS. Case No.-55 Year-2023 Thana- RAJAON District- Banka

Rohit Kumar Mandal Son Of Domi Mandal Resident Of Village- Sinhan, P.S.-
Rajoun, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 02.04.2023 in connection with Rajoun P.S. Case No. 55 of 2023, F.I.R. dated 07.02.2023 for the offences punishable under Sections 366(A)/34 of the Indian Penal Code and Section 4 of POCSO Act.

3. According to prosecution case, this petitioner along with the help of other accused persons have kidnapped the daughter of the informant with intention to marry her.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. In fact, the petitioner was in love with the victim and the victim has eloped with the petitioner and



they have gone to Delhi and the in the statement of the victim which was recorded under Section 164 of the Cr.P.C., she has categorically stated that she has performed marriage with the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 02.04.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the victim was minor and the consent of the minor is of no consent in the eye of law but fairly submits that in the statement of the victim she has stated that she has performed marriage with the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge** and on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VI cum Special Judge POCSO, Banka in connection with Rajoun P.S. Case No. 55 of 2023, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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