

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57726 of 2022

Arising Out of PS. Case No.-203 Year-20 Thana- SANGRAMPUR District- Munger

Akshay Kumar Mandal@Akshay Kumar Son Of Shivjee Mandal @ Shiv Mandal Resident Of Village - Bagicha Lagma, P.S- Sangrampur (TETIA Bamber) District Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-02-2023 Learned counsel for the petitioner is permitted to make correction in paragraph-1 of the bail petition during course of the day.

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

Petitioner seeks bail in a case registered for the offences punishable under Sections 363, 365/34 of the Indian Penal Code, Section 8 of the POCSO Act but the police has submitted chargesheet against the petitioner under Section 366(A) of the Indian Penal Code and Section 8 of the POCSO Act and under Section 9 of the Prohibition of Child Marriage Act.

Allegation against the petitioner is that he kidnapped the minor daughter of the informant aged about 15 years of age for the purpose of marriage.



Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that in fact the petitioner and the victim was in love and they have performed the marriage. He further submits that the victim girl was recovered and the statement of the victim was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that she has performed the marriage with the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 20.06.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sangrampur (Tetia Bamber O.P.) P.S. Case No. 203 of 2020, with the following conditions :-

(1) 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.



(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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