

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1467 of 2023

Arising Out of PS. Case No.-16 Year-2022 Thana- MAHILA P.S. District- Madhubani

ANIL KUMAR MANDAL S/o Rameshwar Mandal R/v- Hurrahi, P.S.-
Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Vaishnavi Singh
For the Opposite Party/s : Mr.Pradeep Narain Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 03-04-2023 Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection with Mahila P.S. Case No. 16 of 2022 registered for offence punishable under sections 376, 323, 341, 504, 506/34 of the Indian Penal Code and sections 4/6 of the POCSO Act.

As per allegation, the petitioner had physical relation with the informant under threatening to kill her handicapped brother. As per allegation, the physical relation continued for two years. On 29.03.2022 when the informant was scraping grass, the petitioner attempted to have physical relation by using force. The informant narrated the occurrence to her parents. Thereafter, the parents of the petitioner misbehaved with the



family members of the informant when they complained.

The learned counsel for the petitioner has submitted that the petitioner is a person of clean antecedent. The informant/alleged victim though makes allegation of continuous sexual assault for two years, but she did not apprise this fact to her family members and after two years, i.e. 19.03.2022, only she has apprised to her parents. She has submitted further that there might be relations between the petitioner and the informant, but that relation cannot be said to be sexual assault. It has also been submitted that when the informant made pressure on the petitioner for marriage, he denied and thereafter the present case has been lodged. The petitioner is under custody since 15.09.2022.

Considering the above-mentioned facts and circumstances, especially the fact that FIR was lodged after two years of the continuous occurrence and the petitioner is a person of clean antecedent and he is under custody since 15.09.2022, let him be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand rupees) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Madhubani in connection with Mahila P.S. Case No. 16 of 2022, subject to the



following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) At the time of furnishing bail bond, the petitioner shall file an affidavit to the effect that he shall not indulge himself in future in the similar type of offence. If it is found so, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

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