

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37206 of 2024**

Arising Out of PS. Case No.-680 Year-2023 Thana- KAHALGAON District- Bhagalpur

Mukesh Kumar @ Prem Kumar S/o- Radhe Mandal @ Radhey Mandal
Village- PO- Rani Diyara P.S.- Ekchari (Pirpanti), District -Bhagalpur
... .. Petitioner/s

Versus

1. The State of Bihar.
2. Girdhari Mandal, Son of Bhuneshwar Mandal, Resident of Village –
Saidpur Kulkuliya, P.O. + P.S. - Kahalgaon, District – Bhagalpur.
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar, Advocate
For the Opposite Party/s : Mr.Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Kahalgaon P.S. Case No. 680 of 2023, registered on 10.06.2023 for the offences under Sections 363, 365 of the Indian Penal Code and Section 8 of POCSO Act.

3. As per prosecution case, the 17 years old daughter of the informant went missing and the informant showed his suspicion that petitioner kidnapped his minor daughter.

4. Learned counsel for the petitioner submits that no occurrence as alleged has ever taken place. The statement of the victim girl was recorded under section 164 of Cr.P.C.,



wherein she has stated that she was in love with the petitioner and solemnized marriage on 10.01.2024 and both of them are staying together in Gujarat. From the statement of the victim girl it is evident that she left her house on her own and she was not pressurized by any person and the girl was more than 17 ½ years old at the time of alleged occurrence and after gaining majority she has solemnized the marriage and hence, no offence is made out against the petitioner, who is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that even though the girl went on her own, consent of minor is immaterial.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the statement of the victim girl and no further allegation of any wrongful act on the part of the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-7th -cum-Special Judge POCSO Court, Bhagalpur in connection with



Kahalgaon P.S. Case No. 680 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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