

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51149 of 2024

Arising Out of PS. Case No.-506 Year-2023 Thana- FORBESGANJ District- Araria

Sushil Mandal @ Sushil Kumar Son of Sanjay Mandal Resident of Village - Vishanpur, Ward No.- 07, P.S.- Forbesganj, District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. XXXX Daughter of Sunil Mandal Resident of Village - Dholbajja, P.S.- Forbesganj, District - Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Adv.

For the Opposite Party/s : Ms. Pushpa Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-08-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with a case registered for the offence punishable under Sections 363, 366(A), 354(D), 372, 373 of the IPC and Section 4 of the POCSO Act.

3. The allegation levelled against the petitioner is that he along with other co-accused persons abducted the victim with mala fide intention.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place.



He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. He further submits that it does not seem possible that petitioner had brought the victim from Forbesganj to Patna in a bus and on the way the victim did not get any opportunity to raise alarm in order to save herself. The real fact is that the victim girl had eloped with the petitioner with her own sweet will. He further submits that later on, the petitioner has dropped the victim back without any coercion, which shows that petitioner had no ill intention for the victim and it is a matter of love affair. Petitioner has no criminal antecedent, as mentioned in para 3 of the bail application. He is in custody since 29.02.2024 and charge has already been framed against him.

5. Learned APP for the State opposes the prayer for bail and submits that the statement of the minor victim has been recorded under Section 164 Cr.P.C., in which she has supported the prosecution case.

6. Having regard to the facts and circumstances of the case, since charge has already been framed against the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty



Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/Successor Court in connection with Forbesganj P.S. Case no. 506 of 2023, subject to the further conditions that

(1) One of the bailors will be own close relatives of the petitioner who will give an affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.



(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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