

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74777 of 2023

Arising Out of PS. Case No.-159 Year-2023 Thana- BAIRIYA District- West Champaran

Ravindra Mandal, Aged about 23 years, Gender-Male, Son Of Subhash
Mandal, R/O Majhariya Colony, P.S.- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

5 18-04-2024 Despite the notice has been served, no one appears on
behalf of the informant to assist this Court.

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

3. The petitioner seeks bail in connection with
Bairiya P.S. Case No. 159 of 2023 instituted for the offences
punishable under Sections 366(A)/34 of the Indian Penal Code
and Section 12 of the POCSO Act.

4. As per F.I.R., the allegation against the petitioner is
that he abducted the informant's minor daughter with the help of
other accused persons for the purpose of solemnization of
marriage.

5. Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. The victim in her statement recorded u/s 164 of the Cr.P.C has not raised any finger against the petitioner for any overt act. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. He is languishing in judicial custody since 07.07.2023.

6. Learned APP for the State has vehemently opposed the prayer for bail.

7. From perusal of the F.I.R., impugned order dated 21.09.2023, case diary along with statement of victim recorded u/s 164 of the Cr.P.C., it appears that on the basis of written report of informant F.I.R. registered against seven accused persons including the present petitioner. It also appears that investigation is already concluded and chargesheet has been submitted against the petitioner under Section 376 of the I.P.C. and Section 4 of the POCSO Act. The statement of the victim recorded u/s 164 of the Cr.P.C., wherein she has stated that she went with the petitioner out of her own sweet will and she solemnized marriage with him in a temple. She has not stated about any sexual assault and physical misbehave against the petitioner.

8. Considering the facts and circumstances of the case



and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-VII-cum-Special Judge (POCSO), West Champaran, Bettiah in connection with Bairiya P.S. Case No. 159 of 2023.

(Ramesh Chand Malviya, J)

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