

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76830 of 2024

Arising Out of PS. Case No.-72 Year-2023 Thana- SANOKHAR District- Bhagalpur

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Amar Kumar S/O Ram Nath Mandal Resident of Village- Joniya
Nagarah(Wrongly stated as Joniya Nagar in the F.I.R.), P.S- Naugachiya,
Distt.- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Balmukund Mandal S/O Gangadhar Mandal R/O Village- Maheshkhore,
P.S- Sanokhar, Distt.- Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar No.6
For the Opposite Party/s : Mr.Tapeshwar Sharma

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 3 | 29-11-2024 | <ol style="list-style-type: none">1. Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.2. The petitioner seeks regular bail in connection with
POCSO Case No. 55 of 2023, arising out of Sanokhar
Police Station Case No. 72 of 2023, dated 17.03.2024,
disclosing offences punishable under Sections 366-
A/504/34 of the Indian Penal Code.3. The prosecution case, as per the First Information Report,
is that the petitioner abducted the minor daughter of the
informant.4. Learned Counsel for the petitioner submits that there was
love relation between the petitioner and the victim girl
and as per medical report, the age of the victim girl was
between 17 and 19 years. He further submits that |
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occurrence has taken place on 01.03.2023, but the First Information Report has been lodged after seventeen days by the father of the victim. He further submits that in her statement recorded under Section 161 of the Code of Criminal Procedure, 1973. the victim girl has stated that it was the petitioner who had abducted her and brought her after twenty days of the abduction and left her near Barari Bridge, Bhagalpur. He further submits that that the victim girl has stated in her statement under Section 164 of the Code of Criminal Procedure, 1973 that the petitioner has not sexually abused her and the petitioner wanted to forcibly marry with her. He further submits that the petitioner is in custody since 24.07.2024.

5. On the other hand, learned Additional Public Prosecutor submits that as per school certificate of the victim she was minor and her date of birth is 15/06/2007 as recorded in the certificate. He further submits that the statement of the victim girl was recorded under Section 164 of the Code of Criminal Procedure, 1973, in which she has stated that on the date of occurrence, she had come out of her house at about 11 P.M. in the meanwhile two persons forcibly caught her and taken her to Katihar by motorcycle and



confined her in the house of one Pawan Singh. It has further been argued that she came to know about the name of the petitioner during the course of conversation between the abductors.

- 6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, 1973, in which she has stated that the petitioner has not sexually abused her and the petitioner is in custody since 24.07.2024, I am inclined to grant regular bail to the petitioner.
- 7. This application is, accordingly, allowed.
- 8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge -cum- Exclusive Special Judge, POCSO, Bhagalpur, in connection with POCSO Case No. 55 of 2023, arising out of Sanokhar Police Station Case No. 72 of 2023.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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