

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81117 of 2023

Arising Out of PS. Case No.-31 Year-2021 Thana- PIPRA District- Supaul

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RADHEY MANDAL @RADHEYSHYAM KR. MANDAL, aged about 25 years, Male, S/O NANNU LAL MANDAL, Resident of VILLAGE-DUMARI, WARD NO. 12, PS. RAGHOPUR, DIST. SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Murari Narain Chaudhary, Advocate

For the Opposite Party/s : Mr.Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 20-07-2024 Heard Mr. Murari Narain Chaudhary, learned counsel appearing on behalf of the petitioner and Mr. Nand Kumar, learned APP for the State.

2. Petitioner seeks regular bail in connection with POCSO Case No.12 of 2021 arising out of Pipra P.S. Case No. 31 of 2021 registered for the offences punishable under Sections 376/504/506/34 of the Indian Penal Code and Section 4 of the POCSO Act.

3. As per the allegation made in the FIR, on the pretext of marriage, the petitioner has established physical relationship with the informant/victim.

4. Learned counsel appearing on behalf of the petitioner submitted that from the perusal of the statement



recorded under Section 164 Cr.P.C. of the victim, it would appear that the victim was in relationship with the petitioner and she also conceived and a negotiation was held between both the families to solemnize marriage between the petitioner and the victim. At the relevant point of time, when they were in love relationship, the petitioner was aged about 21 years and victim was aged about 16 years. At this adolescent age, the youths have infatuation for each other. Learned counsel further submitted, taking into consideration the age of the petitioner, as well as, the victim at the relevant point of time and their psychological as well as biological changes which take place in such age, the petitioner entered into love relationship and established physical relationship with the victim, unaware of the rigors of the offence committed under the POSCO Act. He further submitted that considering the age of the petitioner, as well as, the victim and her statement recorded under Section 164 Cr.P.C. the petitioner may be released on regular bail. Petitioner is in custody since 12.04.2023.

5. Learned APP for the State vehemently opposed the prayer for grant of bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, the statement of victim to the



extent that she was in love relationship with the petitioner and the petitioner who has just emerged as an adult, being aged about 21 years at the time of the said relationship and victim was 16 years, I find the allegation made in the F.I.R. being registered against the petitioner, who has just emerged as an adult and unaware of the provisions of the POCSO Act, who had entered into a relationship out of some infatuation due to some platonic love affairs with a minor girl by treating him as an offender, was never the objective of the POCSO Act. *“An adolescent boy and a minor girl who are in the grips of their hormones and biological changes and whose decision-making ability is yet to fully develop, should essentially receive the support and guidance of their parents and the society at large. Such incidents should never be perceived from an adult's point of view and such an understanding will, in fact, lead to lack of empathy.”*

7. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on bail.

8. The petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-VI-cum-Special Judge,



POCSO Court, Supaul/In-charge Successor Court in connection
with POCSO Case No.12 of 2021 arising out of Pipra P.S. Case
No. 31 of 2021.

(Purnendu Singh, J)

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