

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.84721 of 2023**

Arising Out of PS. Case No.-224 Year-2023 Thana- PIRPAINTI District- Bhagalpur

Nirbhay Kumar Mandal Alias Nirbhay Mandal S/O-Khananjay Mandal R/O  
Vill- Amarpur. P.S. Bakharpur, (PIRPAINTI ) Dist-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Swapnil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Harendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      10-01-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with  
POCSO Case No. 242 of 2023 (arising out of Pirpanti P.S. Case  
No. 224 of 2023) lodged under Sections 341, 323, 354, 354B,  
504, 506 and 34 of the I.P.C. read with Section 8 of the POCSO  
Act.

3. As per the F.I.R., the allegation has been made  
against three named accused persons that they used to assault  
the informant's daughter with a view to marry her when she  
used to visit school.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has committed no offence. He submits  
that the victim has narrated her statement under Section 164 of  
Cr.P.C. in which she has made allegation of harassment and to  
put pressure upon her to marry with him as acknowledged in the



rejection order of the Addl. District and Sessions Judge, Bhagalpur. Counsel further submits that the allegation of POCSO has not been attracted in this case.

5. Learned counsel for the State vehemently opposes the prayer for bail and submits that due to action of the petitioner, it is very difficult for the victim to do the normal work and visit school.

6. Upon specific query whether charge has been framed or not. Counsel submits that as per his knowledge, charge has not been framed till date.

7. In the present facts and circumstances of this case and the submissions made above, this Court is not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected but liberty is hereby granted to the petitioner that he may renew his prayer for bail after framing of charge.

8. However, trial court is directed to release him on bail imposing conditions so that he may not evade his appearance during trial.

**(Dr. Anshuman, J.)**

Prakashmani/-

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