

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2234 of 2025

Arising Out of PS. Case No.-213 Year-2024 Thana- SABAUR District- Bhagalpur

Bhanu Kumar Mandal Son of Chunna Mandal @ Chunchun Mandal Resident
of Village - Mansarpur, Police Station - Sabaur, District - Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Geeta Devi Wife of Shrawan Yadav @ Shrawan Mandal Resident of Village
- Brahman Tola NH Sabour, Police Station - Sabaur, District - Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Adv.
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-04-2025 Heard learned counsel for the petitioner and Mr.
Bharat Bhushan, learned APP.

2. The petitioner is in judicial custody in connection
with Sabaur P.S. Case No. 5103049240213 of 2024 cum Special
POCSO Case No. 220 of 2024 for the offences punishable under
section 363, 365, 366A of the IPC and section 04 of the POCSO
Act lodged on 14.06.2024 by the informant, Gita Devi.

3. As per the prosecution story, the informant alleged
that her minor daughter disappeared from the house and later
got information that this petitioner and other members/
associates took her away for the marriage which led to the FIR.

4. The notice has been issued to the Opposite Party



No.2 by the Co-ordinate Bench on 05.02.2025 and has been received personally by the Opposite Party/informant.

5. The case of the petitioner is that both were in relationship, though the Medical Report says her to be below 18 years, they solemnized marriage, petitioner is only 20 years of age and shall be diligently appearing in the trial, if granted bail. The victim girl, in her statement recorded under Section 164 CrPC, has stated that she went on her own along with boy as she was in love with him.

6. Learned APP opposes the prayer submitting that the Medical Report shows that the victim was below 18 years and as such, the consent does not matter in this case.

7. Considering the submissions put forward by the parties as also the fact that charge-sheet has been submitted, the petitioner is in custody since 08.10.2024 (para-4 of the petition) having no criminal antecedent, is a young boy of 20 years, will be diligently appearing in the trial as undertaken coupled with the fact that the victim has narrated in her statement that she went on her own, in that background, this Court is inclined to extend him the privilege of bail.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with



two sureties of like amount each to the satisfaction of learned Additional District & Sessions Judge-VI-cum-Special Court, POCSO Act, Bhagalpur in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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