

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3247 of 2025**

Arising Out of PS. Case No.-162 Year-2024 Thana- BASANHI District- Saharsa

Mithilesh Mandal S/o- Upendra Mandal Village- Andauli Ps Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate  
: Mr. Manoj Kumar, Advocate  
: Ms. Pooja Prasad, Advocate  
For the Opposite Party/s : Mr. Manoj Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      19-04-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Basnahi P.S. Case No. 162 of 2024 registered for the alleged offences under Sections 139 and 96 of the Bharatiya Nyaya Sanhita.

03. As per prosecution case, the minor daughter of the informant went missing from his house in the night and informant named the petitioner for being involved in enticing her daughter away.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The victim



girl was recovered and her statement was recorded under Section 183 of the BNSS wherein she has stated that she left her house without informing anyone and thereafter went with the petitioner to Supaul and two days thereafter she along with other persons went to the Police Station. This shows that the petitioner is not involved in enticing away the daughter of the informant. There is no allegation of sexual assault against the petitioner. The victim girl refused to undergo any medical examination and for this reason the actual age of the victim could not be assessed nor whether any sexual assault took place with her. Learned counsel further submits that the petitioner is in custody since 13.08.2024 and charge-sheet has been submitted. Petitioner is having no criminal antecedent.

05. Learned APP for the State opposes the prayer for bail and submits that the age of the victim was found to be 17 years and 4 months and her consent was immaterial.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the voluntary nature of act of the victim girl and further considering her age at which a girl develops sufficient maturity and also considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner



above named is directed to 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 learned Judicial Magistrate, 1<sup>st</sup> Class, Saharsa in connection with Basnahi P.S. Case No. 162 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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