

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21697 of 2025

Arising Out of PS. Case No.-174 Year-2024 Thana- NIRMALI District- Supaul

Shrawan Kumar Mandal son of Rajendra Mandal Village- Hariyahi, Ward no. 08, Ps- Nirmali, Dist- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dinesh Ram son of Khokhay Ram Village- Hariyahi, Ward no. 08, Ps- Nirmali, Dist- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chandra Shekhar Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Sadanand Paswan, APP
For the Informant	:	Mr. Hari Om, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

6 01-09-2025 Heard learned counsel for the petitioner, learned APP for the State, learned counsel for the informant and perused the case diary.

2. The petitioner seeks bail in connection with Nirmali P.S. Case No. 174 of 2024, instituted for the offences punishable under Sections 126(2), 115(2), 137, 96, 352 of the Bharatiya Nyaya Sanhita, 2023, read with Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act and Section 4/6 of the POCSO Act.

3. The prosecution case, in short, is that the petitioner has kidnapped minor daughter of the informant. It is further alleged that when the informant went to the house of the petitioner to confront, his father assaulted the informant and used caste based slurs.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submits that the allegation levelled against the petitioner is general and omnibus in nature. There were love affair between the petitioner and the victim girl and due to this, the petitioner has been falsely implicated in this case. It is further submitted that the victim girl has not supported the prosecution case in her statement recorded under Sections 180 and 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and has stated that the petitioner did not kidnap her, instead, she went on her own will. She has also admitted the solemnization of her marriage with the petitioner on her own will. The petitioner is in custody since 03.10.2024 and has got no criminal antecedent.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner and submits that the petitioner is named in the FIR. On perusal of statement of witnesses in paragraph nos. 7, 8 and 9 of the case diary, it appears that the allegations of victim's abduction has been specifically levelled against the petitioner. However, the victim has not supported the



prosecution case in her statement recorded under Sections 180 and 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, she has also stated about her solemnization of marriage with the petitioner on her own will. It is also submitted that the victim was minor on the alleged date of occurrence. Carrying away a minor girl out of her lawful guardianship, without the consent of her parents and family members and solemnization of marriage with her is a serious matter, which may cause serious consequences regarding victim's health and security. In such situation, consent of minor victim can not exonerate the petitioner from his criminal liability.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. The trial Court is directed to expedite the Trial.

(Rudra Prakash Mishra, J)

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